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STATE OF NEW YORK

THIRTY-FOURTH ANNUAL REPORT

OF

THE COMMISSIONERS

OF

THE STATE RESERVATION AT NIAGARA

For the Fiscal Year
From July 1, 1916, to June 30, 1917

TRANSMITTED TO THE LEGISLATURE FEBRUARY 25, 1918

ALBANY
J. B. LYON COMPANY, PRINTERS
1918

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STATE RESERVATION AT NIAGARA

Commissioners

THOMAS W. MEACHEM, *President,* Syracuse

ALPHONSO T. CLEARWATER..... Kingston

GEORGE J. MEYER..... Buffalo

PAUL A. SCHOELLKOPF..... Niagara Falls

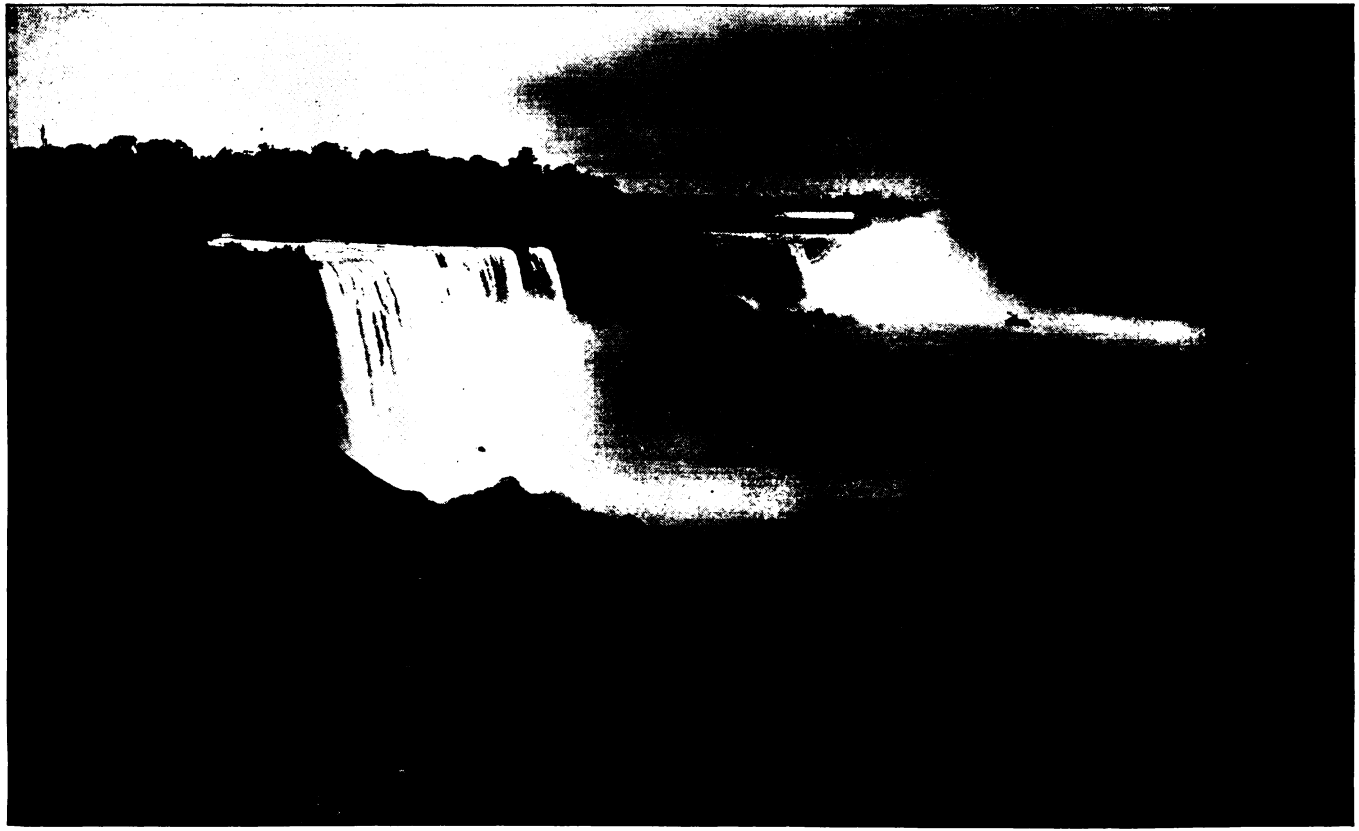
ANSLEY WILCOX ..... Buffalo

Superintendent

HARRY K. ECKERT..... Niagara Falls

Treasurer

CLARENCE H. ATWOOD..... Niagara Falls



AMERICAN FALLS, HORSE SHOE FALLS AND MAID OF THE MIST IN THE DISTANCE. TOWER STATION OF PROSPECT POINT ELEVATOR AND MAID OF THE MIST LANDING.

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NIAGARA FALLS ILLUMINATED — TAKEN AT NIGHT.

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ANNUAL REPORT

NIAGARA FALLS, N. Y., *January* 23, 1918.

To the Honorable the Legislature of the State of New York:

As required by law, the Commissioners of the State Reservation at Niagara have the honor to submit herewith their report for the fiscal year from July 1, 1916, to June 30, 1917, it being the thirty-four annual report of this Commission.

CHANGE IN THE COMMISSION

At the beginning of the fiscal year the Commission was composed of William B. Howland, President, Thomas W. Meachem, George J. Meyer, Paul A. Schoellkopf and Alphonso T. Clearwater. Mr. Howland died on Tuesday, February 27, 1917, and on March 31 Governor Whitman appointed Ansley Wilcox of Buffalo as Mr. Howland's successor, to serve until March 31, 1922. Mr. Wilcox assumed his duties at the meeting of the Commissioners held at Niagara Falls on May 1, 1917. At the same meeting, Mr. Meachem was elected President.

Mr. Wilcox's appointment recalls his connection with the State Reservation at Niagara formed during the first year of the existence of this Commission in 1883, when the law firm of Allen, Movius & Wilcox of Buffalo was retained as counsel for the Commission, and prepared the application to the Supreme Court for the appointment of Commissioners of Appraisement for the taking of the Reservation by the State. His colleagues take this occasion to express their pleasure in having associated with them in the administration of the Niagara Reservation a gentleman who, from the very beginning, has been so thoroughly in sympathy with the objects for which the Reservation was created.

WILLIAM BAILEY HOWLAND, LL. D.

The late William Bailey Howland, LL. D., had been a member of this Commission since February 3, 1909, when he was appointed to succeed George Raines, and he was serving his second term at the time of his death in New York City on February 27, 1917.

Mr. Howland was born at Ashland, N. Y., June 10, 1849, his parents being the Rev. Harrison O. and Hannah Bailey Howland. In 1882 he founded the Outing magazine which he published until 1885. During the next five years he edited and published the Tribune of Cambridge, Mass., and from 1890 to 1913 he was publisher and treasurer of the Outlook magazine, the office of which is in New York City. The last twenty years of his connection with the Outlook was contemporaneous with the editorship of Lyman Abbott, and the last four years with the contributing editorship of Theodore Roosevelt. Upon leaving the Outlook he became managing editor of the Independent, which position he held at the time of his death. No Commissioner of the State Reservation at Niagara ever had a deeper appreciation of the meaning and value of Niagara Falls to the world. His solicitude for their preservation was intense and his administrative services were untiring and invaluable.

He had many connections with public affairs in general. For his work in behalf of Italian immigrants he received a decoration from the King of Italy, and for his activities in connection with the celebration of the centenary of peace with Great Britain and the preservation of Sulgrave Manor in England, the home of the ancestral Washingtons, he received the honorary degree of Doctor of Laws from the University of Toronto, Canada.

A further idea of the scope of his interests and public spirit may be had from his official connection, at the time of his death, with the Society of Italian Immigrants, the National Institute of Efficiency, the Congregational Home Missionary Society, the Chautauqua Institution, the Sulgrave Institute, the American Scenic and Historic Preservation Society and the American Civic Association.

On April 3, 1873, Mr. Howland married Miss Ella May Jacobs of Gowanda, N. Y., who survives him with two sons, Karl V. S. and Harold J. Howland. He was buried at Kinderhook, N. Y.

At the meeting of the Commissioners of the State Reservation at Niagara, held at Niagara Falls on May 1, 1917, the following minute and resolution were unanimously adopted:

"The Commissioners of the State Reservation at Niagara, in expressing their grief at the death of Mr. Howland, record their appreciation of him as a man of the loftiest personal character,

who cultivated the highest ideals of civic duty, who was scrupulous and punctilious in the discharge of every obligation; always modest and courteous in his personal relations with his fellow Commissioners and benignant but firm in dealing with the many perplexing problems constantly confronting the Commission, problems not infrequently of international and national consequence, problems involving vast public and private interests. He was a Christian gentleman, charitable in his judgment, gentle and just in his dealings with his fellow men, and a great, warm-hearted man, whose death is a loss to the State and the Nation.

"*Resolved,* That this memorandum be entered in full upon the minutes, and that a suitably engrossed copy, duly attested by the President and the Secretary of the Commission, be forwarded to the members of his family."

Dow View Tablet

In recognition of the services of Charles M. Dow, LL. D., of Jamestown, N. Y., as Commissioner of the State Reservation at Niagara from March 25, 1898, to May 11, 1913, and as President of the Commission from December 22, 1903, to May 11, 1913, the Commission has given the name Dow View to an eligible observation point on the edge of the cliff at the extreme northern end of the Reservation, about 750 feet north of Hennepin View, and on May 1, 1917, placed upon a boulder at this point a bronze tablet bearing a suitable inscription. The details of the informal proceedings at the time of its erection are given in an appendix to this report.

Illumination of the American Fall

In the summer of 1916, the Commission received a request from the City of Niagara Falls to permit the illumination of the American Fall and the rapids between Goat Island and the mainland by means of electric lights and at the meeting of the Commissioners held December 9, 1916, an agreement with the city, covering a revocable permission to install an illuminating plant on the Reservation, was signed. Meanwhile, four batteries of electric light projectors had been installed. One battery of thirty projectors on Goat Island near Porter Bluff and one of an equal number at the foot of the cliff of Prospect Park near Prospect Point throw their light on the American Fall; and two batteries at the bridge leading to Green Island illuminate the Rapids above and below the

bridge respectively. The expense of maintenance is borne entirely by the City of Niagara Falls, the object being to provide an attraction which will tempt visitors to stay over night in the city. There is no doubt of the popularity of the display; and the Commission has felt justified in acceding to this manifest public desire so far as to permit the illumination by white light. It has not, however, consented to the projection of colored lights on the Falls, regarding colored lights as too fantastic and too great a departure from the natural effect which it is the aim of the Commission to maintain.

VISITORS TO NIAGARA FALLS

The number of visitors to Niagara Falls during the past year has been about 1,500,000. We have no means for accurately counting them, and this estimate is based first on general observation, and second, on the number of persons actually using the elevator at Prospect Point and counted by the turnstile at that point. It is estimated that about twenty per cent of all the visitors to Niagara go down this elevator.

On an ordinary Sunday, 4,500 automobiles have been counted going one way over the bridge to Goat Island.

There are inevitable fluctuations in the number of visitors from year to year. From October, 1914, to October, 1915, it is estimated that as many as 1,750,000 persons visited Niagara. The effect of the war in Europe on American travel promises soon to make that number the usual and not the exceptional measure of popular interest in this great scenic wonder. It is also interesting to note that there is a growing appreciation of the beauties of Niagara in winter, a fact shown, among other ways, by a new illustrated folder recently issued by the New York Central Railroad Company and devoted entirely to winter scenes.

THE STORM OF JULY 2, 1916

The principal occurrence of an exceptional nature at the State Reservation during the past year was the terrific storm of Sunday, July 2, 1916, in which 77 trees measuring from one to three feet in diameter and about twice as many small trees were blown down. Details of the damage inflicted are given in the Superintendent's report appended hereto. The State Reservation appears to have

suffered less than the Queen Victoria Niagara Falls Park. The Superintendent of the latter says, in his last report:

"By far the most disastrous washout that has occurred in the park in recent years happened on July 2nd, when in the late afternoon a cloudburst and terrific rain storm occurred in the vicinity of Niagara Falls. So tremendous was the deluge that the whole of the roadway at the Murray Street entrance was washed out for a distance of 1,000 feet. Great excavations were made and large rocks and stones hurled with terrific force through the grove of trees immediately north of the Administration Building. Trees were uprooted by the rushing waters and immense damage was done. Fortunately no buildings were in the route taken by the torrent, and, therefore, the trees, lawns and roadways alone were injured. Many tons of material were brought down the hillside, and much money had to be expended to return it to its original position."

General Maintenance and Repair

The damage caused by the storm above mentioned has been repaired as far as possible, and in other respects the maintenance and care of the Reservation have been kept up to their usual standard. Details of these matters are given in the reports of the Superintendent and Treasurer which are appended to and made a part of this report.

Aquatints of Niagara Falls

At the request of his colleagues on this Commission, Judge Clearwater has kindly consented to the publication in this report of a list of his important collection of aquatints depicting different views of Niagara Falls, beginning with one printed in London in 1740. These aquatints were purchased by Judge Clearwater principally in London, Edinburgh, Paris and Amsterdam. It was rarely he was able to secure one in New York, Boston or Philadelphia. All of them are valuable; many are extremely rare. Ever since Father Hennepin gave to the world the first written description and the first crude delineation of Niagara Falls, the cataract has been a never-failing source of inspiration to the pen of the writer and the pencil and brush of the artist. The bibliographies printed in former reports of this Commission have given some idea of the scope of printed literature on this subject; and the list of aquatints hereto appended gives a new idea of the range

of artistic conception of the great water-fall. It is a matter of pride that there is such a valuable collection of aquatints of Niagara in New York State.

ELEVATOR HOUSE AT PROSPECT POINT

The large and increasing number of visitors to the Reservation before alluded to points to the need of two important improvements, one at Prospect Point and the other at the Cave of the Winds.

At Prospect Point, near the edge of the cliff, is the entrance to the elevator which goes down through a shaft in the rocks and gives convenient access to the Maid of the Mist landing. The elevator performs the function of the old inclined railway which has been removed. The upper entrance to the elevator is now covered by a shabby, portable wooden shelter, which is put up in winter and taken down in summer. In winter it protects the elevator from the elements generally and particularly from the spray which congeals in such heavy masses at that point that at times the shelter is almost covered from sight. The structure is so unsightly and has been so severely criticised that its replacement by one that shall not reflect discredit upon the State is urgently demanded. The elevator is being used more and more, not only in summer, but also in winter, and yields a considerable revenue to the State, the amount from this source remitted to the State Treasurer for the year ended June 30, 1917, having been $13,165.95. The State can well afford to make better provision for the public accommodation at this point by providing a suitable structure of steel and glass. For this purpose we ask the Legislature for an appropriation of $5,000, and earnestly urge the Legislature to grant it.

ELEVATOR AT THE CAVE OF THE WINDS

Another improvement which should be made when the State can afford it, but which we do not press at the present time on account of the war, is an elevator at the Cave of the Winds. Access from the upper level of Goat Island to the rock talus and path to the Cave of the Winds is by means of the Biddle Stairs, a winding staircase of 190 steps descending in a wooden tower surrounding a center post erected in 1829. It is unsightly in appearance, out

of keeping with the environment, and is kept safe only by constant repair. Furthermore, it is inadequate to the situation. It is now used by from 17,000 to 19,000 persons a year, but it is estimated that 100,000 would visit the Cave of the Winds if an elevator were provided. This concession also produces a revenue to the State, and the expenditure on this improvement of the $50,000 which we have asked the Legislature to appropriate would be a paying business investment, besides affording increased public accommodations and permitting the removal of a structure as unsightly as that of the old inclined railway which was removed when the elevator at Prospect Point was installed.

Recession of the Apex of Horseshoe Fall

The recession of the apex of the Horseshoe Fall continues to give the Commission much concern. In July, 1916, a letter calling attention to this situation was sent to Governor Whitman; Hon. James A. Tawney, of the International Waterways Commission at Winona, Minn.; Hon. Obadiah Gardner, Chairman of the International Waterways Commission at Rockland, Me.; Hon. Whitehead Kluttz, Secretary of the International Joint Commission at Washington, D. C.; Col. Mason H. Patrick, U. S. A., Corps of Engineers, at Detroit, Mich.; and Hon. Newton D. Baker, Secretary of War, at Washington, D. C.; but no remedial steps have yet been taken.

The recession of the apex of the Horseshoe Fall, now estimated to be progressing at the rate of about five feet a year, has an important effect on the distribution of water over the fall and the consequent appearance of the cataract. As a result of a well-known principle of erosion, the apex, or re-entrant angle in the crest of the fall, is at the deepest part of the channel, and as the rate of erosion is proportional with the volume of water, other things being equal, the situation tends to aggravate itself by eating away the bed of the river, and drawing the water away from the Goat Island and Canadian shores. The shoaling or unwatering of these shores has become appreciable as a consequence of this process. In a report made to the Chief of Engineers of the United States Army by Major Charles Keller on November 30, 1908, it was proposed that a submerged dam be constructed in the river

above the Horseshoe Fall with a view to diverting a portion of the volume from the deepest part of the channel and spreading it out over the shallower portions nearer the shores. This measure would obviously serve two purposes. It would diminish the erosion of the apex and would improve the appearance of the now impoverished margins.

Especial importance is given to this subject by the enactment by Congress of Senate Joint Resolution No. 186, which was signed by President Wilson January 19, 1917, and became Public Resolution No. 45. By this action the Secretary of War was authorized to issue temporary revocable permits for the diversion of water above the Falls to the full amount now permitted by the international treaty, namely, 20,000 cubic feet per second, for a period ending July 1, 1917. On June 30, 1917, Congress passed a Joint Resolution extending the authorization for one year. The bill of June 30, 1917, further provides "That the Secretary of War is hereby authorized and directed to make a comprehensive and thorough investigation, including all necessary surveys and maps, of the entire subject of water diversion from the Great Lakes and the Niagara River, including navigation, sanitary and power purposes, and the preservation of the scenic beauty of Niagara Falls and the rapids of Niagara River, and to report to Congress thereon on the earliest practicable date. To carry out the provisions of this paragraph, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of $25,000."

In this connection it may be mentioned that the Committee on Foreign Affairs of the United States House of Representatives visited Niagara Falls on July 13, 1916, for the purpose of investigating the subject of water-power development and were entertained by the Board of Trade of the City of Niagara Falls and the Commissioners of the State Reservation.

PROPOSED EXTENSION OF THE RESERVATION

Prior to December 24, 1914, the one hundredth anniversary of the treaty of Ghent, in the popular discussions of the approaching centennial of peace between Great Britain and the United States, it was proposed that one suitable memorial would be the extension of the State Reservation at Niagara along the bank of the river

View Showing Horseshoe Fall Parkage and Beginning of Path Through the Forest.

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View of the Goat Island Bridge and Entrance to Goat Island.

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northward toward Lewiston; but the outbreak of the European War distracted public attention and prevented an adequate commemoration of the century of happy relations which had existed between the United States and the mother country.

The events of the past year, while they have for the time being made still more impracticable the creation of such a memorial, have at the same time given greater strength to the international bonds which it was then proposed to recognize; and the Commissioners of the Reservation take this occasion to recall the suggested memorial, in order that it may be kept in mind for that happier day, when the present war shall have ended victoriously, and when the United States and Great Britain will be able to look back, not simply on 100 years of unbroken peace between them, but also upon their active comradeship in arms in defense of the liberties of the civilized world.

The Queen Victoria Niagara Falls Park on the opposite side of the river, in addition to the 196 acres of the park proper, has chains of parks and drives extending to Lake Ontario in one direction and to Lake Erie in the other, the whole system comprising 740 acres; and its Niagara River Boulevard is an example which should be followed in kind, if not in extent, on the American side. The construction of a boulevard connecting the State Reservation with Lewiston, about six miles distant, and running near the edge of the gorge, with occasional acquisitions of suitable areas on the rim of the gorge itself for observation points, would be a State work of great practical value, would facilitate the public enjoyment of many features of superb scenery now practically inaccessible, and would be a momorial paralleling that of our Canadian neighbors across the international line, highly symbolical of the common trend of our national destinies.

All of which is respectfully submitted.

T. W. MEACHEM,
GEO. J. MEYER,
PAUL A. SCHOELLKOPF,
A. T. CLEARWATER,
ANSLEY WILCOX,
Commissioners.

REPORT OF THE SUPERINTENDENT

To the Commissioners of the State Reservation at Niagara:

GENTLEMEN.— I have the honor to submit herewith a report of the principal work and occurrences at the Reservation during the fiscal year ending the 30th day of June, 1917.

STORM OF JULY 2, 1916

On July 2d, at 3 P. M., a terrible wind, rain and hail storm struck the Reservation and the following trees were blown down:

Goat Island, 23 Maples, 19 Elms, 15 Lindens, 4 Ash, 2 Hickory, 7 Iron Wood and 1 Black Walnut — total 71 trees. Mainland, 1 Ash, 2 Elms, 2 Willows and 1 Maple. These trees were from one foot to three feet or more in diameter and when falling down carried down twice as many small trees. It took us all the fall, winter and spring to clean up the forests. The following logs were saved from the fallen trees and will be sent to the saw mill and be cut into lumber for future use on the Reservation:

3 Elms	12 feet long.....	3 feet diameter.
3 Elms	12 feet long.....	14 inches diameter.
2 Elms	12 feet long.....	15 inches diameter.
3 Black Walnuts...	12 feet long.....	14 inches diameter.
3 Maples	12 feet long.....	15 inches diameter.
6 Bass Wood.....	12 feet long.....	15 inches diameter.
2 Bass Wood.....	12 feet long.....	13 inches diameter.

ROADS AND WALKS

A large amount of labor was expended in repairing the roads and paths which were washed out by the storm.

The roads were oiled with standard asphalt road oil, by the Standard Oil Company, at a cost of $639.08.

The old curbing at the entrance to Goat Island was in very poor condition and it was removed and a new curbing was laid, using some of the stone removed from the Green and Goat Islands bridges. The improvement is very noticeable.

The paths on the inclines at the entrance to Goat Island and on the Terrapin Trail to Terrapin Point were repaired and resurfaced with soft coal cinders and Texaco Macadam Binder. This will prevent washouts with every rain storm.

The roadway on the Riverway between Niagara street and Falls street was repaired with crushed stone and Texaco Macadam Binder.

The road on the Riverway extending from Falls street to Bridge street and the roads in the park were repaired with crushed stone and the Headley Company Cold Patch with very good results.

Administration Building

The walls and ceilings throughout the Administration Building were given two coats paint at a cost of $440.

As the water supply in the north end of the building was inadequate to supply the toilets and wash-basins in the men's toilet room, a new 3-inch water line was laid from the meter on the Riverway to the building. This work was done by our own employees.

The sewer leading from the building to the sewer on the Riverway did not have drop enough to drain the toilets properly and they were continually getting stopped up. To remedy this difficulty a new sewer was built from the building to the sewer which runs through the park near the Reservation carriage stand. In this improvement 466 feet of 6-inch tile was used. This work was done by our own employees.

Ice and Fountains

The ice house at the gravel pit has been repaired, and filled with ice. The latter is now being used in the new rustic rubble stone fountains which are equipped with automatic self-closing bubblers, and have been installed at the following points: One at the rear of the Administration Building, one at Prospect Point, one at Horseshoe Fall Parkage, one at Three Sisters Building and one in the rear of the Cave of the Winds Building. These fountains are a great improvement over the old iron fountains used previously at the above mentioned points.

Grading, Seeding and Planting

The grading at Willow Island, the picnic grounds near site of old barn, and at the big Elm tree near the Labor Center has been practically completed.

The bare spots of lawn surface were scarified, seeded and

manured. Manure was also placed around the shrubs and young trees during the winter time.

1,000 Spruce trees were received from the Conservation Commission and were planted in the nursery on the southeast end of Goat Island.

The following trees received from the Elm City Nursery Company were planted in the vicinity of the Administration Building and the Labor Center:

No.	Name	Height Feet
1	Beach European Fern Leaf	6
1	Beach European Purple Leaf	15
1	Elm Camperdown	12
1	Judas Tree Chinese	3
1	Japanese Larch	12
1	Magnolia Sweet Bay	8
1	Magnolia Cucumber Tree	10
1	Magnolia Conspicua	6
1	English Oak	10
1	Plum Pissard's Purple Leaf	8
1	Yellow Wood American	10
1	Arborvitae Siberian	3
1	Cypress Japan (Retinispora)	7
1	Cypress Japan Pisifera Aurea	10
1	Cypress Japan Plumas Aurea	10
1	Nordsmans Fir	6
10	Mugho Pines	2
1	Spruce Colorado Blue (Green Type)	8
1	Spruce Colorado Nosters	7
1	Spruce Douglas (Blue Form)	6
1	Spruce Norway Golden	5
1	Spruce Oriental	8

Packing $9.50, total cost $91.00.

Ten tons of good hay was harvested on the east end of Goat Island for winter use.

POLICE DEPARTMENT

The number of arrests made and the disposition of the same is as follows: Arrests 64, fines $119, discharged 3, suspended sentence 25, deported 3, 30 days' sentence 7, 15 days' sentence 1, 10-day sentence 1. These arrests were made during the fiscal year starting July 1, 1916, and ending June 30, 1917.

Architectural Matters

The Hon. Lewis F. Pilcher, State Architect, visited the Reservation on November 20, 1916, to inspect the site of the proposed Cave of the Winds elevator and the fence at the Labor Center.

Mr. Edward Metzger, representative of the State Architect's office, visited the Reservation for Mr. Pilcher on November 22d, to learn what was wanted by the Commissioners and how much was asked for. He requested me to get another estimate for the elevator at the Cave of the Winds at the present time to compare with the estimates made by the Otis Elevator Company in 1910; also an estimate from the Lord & Burnham Company for the house for winter use at the entrance to the Prospect Point elevator, to compare with the estimate of 1912.

The following estimates were obtained:

House for winter use: 1912, $2,423. 1916, $5,110.

Elevator at Cave of the Winds: 1910, about $38,000. 1916, estimated increase of 33 1/3 per cent.

Death of Burde Krull

On May 25, at 3:45 p. m., Mr. Burde Krull, Concessionaire of the Cave of the Winds, while assisting in the construction of the bridges, slipped from a rock and was drowned. This was a sad blow to his relatives and his many friends.

Respectfully submitted,

HARRY K. ECKERT,

Superintendent.

TREASURER'S REPORT FOR THE FISCAL YEAR JULY 1, 1916, TO JUNE 30, 1917

The Commissioners of the State Reservation at Niagara, in account with CLARENCE H. ATWOOD, Treasurer.

1916.		Payment by the State Comptroller on account:	
July	19.	Chapter 646, Laws of 1916	$1,475 53
	28.	Chapter 646, Laws of 1916	30 97
Aug.	1.	Chapter 646, Laws of 1916	1,549 53
	15.	Chapter 646, Laws of 1916	1,588 03
	15.	Chapter 646, Laws of 1916	1,035 43
	28.	Chapter 646, Laws of 1916	1,645 03
Sept.	15.	Chapter 646, Laws of 1916	1,627 53
	26.	Chapter 646, Laws of 1916	1,275 68
	26.	Chapter 646, Laws of 1916	1,275 68
	30.	Chapter 646, Laws of 1916	1,568 53
Oct.	18.	Chapter 646, Laws of 1916	1,932 28
Nov.	1.	Chapter 646, Laws of 1916	1,572 53
	17.	Chapter 646, Laws of 1916	2,011 55
	29.	Chapter 646, Laws of 1916	1,556 28
Dec.	14.	Chapter 646, Laws of 1916	233 94
	14.	Chapter 646, Laws of 1916	1,566 28
	30.	Chapter 646, Laws of 1916	1,565 03
1917.			
Jan.	15.	Chapter 646, Laws of 1916	1,565 28
	20.	Chapter 646, Laws of 1916	589 87
	31.	Chapter 646, Laws of 1916	1,597 53
Feb.	20.	Chapter 646, Laws of 1916	2,052 50
March	3.	Chapter 646, Laws of 1916	1,565 78
	13.	Chapter 646, Laws of 1916	42 40
	15.	Chapter 646, Laws of 1916	1,135 77
	17.	Chapter 646, Laws of 1916	1,611 78
	29.	Chapter 646, Laws of 1916	1,666 53
April	18.	Chapter 646, Laws of 1916	2,429 35
	27.	Chapter 646, Laws of 1916	1,523 28
May	10.	Chapter 646, Laws of 1916	178 00
	10.	Chapter 646, Laws of 1916	300 76
	15.	Chapter 646, Laws of 1916	255 98
	15.	Chapter 646, Laws of 1916	1,523 28
	25.	Chapter 646, Laws of 1916	1,631 53
June	21.	Chapter 646, Laws of 1916	1,519 28
	21.	Chapter 646, Laws of 1916	1,068 69
	30.	Chapter 646, Laws of 1916	341 50
	30.	Chapter 646, Laws of 1916	1,474 06
			$46,307 30

EXPENDITURES

Chapter 725, Laws of 1915

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 10

Date 1916.	Voucher	Name and Classification	Amount	
July 24.	139	Western Union Telegraph Co., expenses, supplies	$6 01	
	140	William Young, expenses, supplies	3 46	
	141	New York Telephone Co., expenses, supplies	6 80	
Sept. 11.	142	J. B. Lyon Co., expenses, supplies	19 50	
				$35 77

Part 1

Abstract No. 1

July 13.	1	Administration, salaries, regular, payroll	$347 50	
	1	Police, salaries, regular, payroll	723 78	
	1	Salaries, temporary, payroll	404 25	
July 24.	2	Administration, salaries, regular, payroll	347 50	
	2	Police, salaries, regular, payroll	725 03	
	2	Salaries, temporary, payroll	477 00	
Aug. 9.	3	Administration, salaries, regular, payroll	347 50	
	3	Police, salaries, regular, payroll	723 78	
	3	Salaries, temporary, payroll	516 75	
Aug. 22.	4	Administration, salaries, regular, payroll	347 50	
	4	Police, salaries, regular, payroll	725 03	
	4	Salaries, temporary, payroll	572 50	
Sept. 11.	5	Administration, salaries, regular, payroll	347 50	
	5	Police, salaries, regular, payroll	723 78	
	5	Salaries, temporary, payroll	556 25	
Sept. 25.	6	Administration, salaries, regular, payroll	347 50	
	6	Police, salaries, regular, payroll	723 78	
	6	Salaries, temporary, payroll	497 25	
				$9,454 18

Abstract No. 2

Oct. 9.	7	Administration, salaries, regular, payroll	$347 50	
	7	Police, salaries, regular, payroll	723 78	
	7	Salaries, temporary, payroll	474 25	
Oct. 23.	8	Administration, salaries, regular, payroll	347 50	
	8	Police, salaries, regular, payroll	725 03	
	8	Salaries, temporary, payroll	500 00	

Date 1916.	Voucher	Name and Classification	Amount	
Nov. 9.	9	Administration, salaries, regular, payroll	$347 50	
	9	Police, salaries, regular, payroll	723 78	
	9	Salaries, temporary, payroll	525 75	
Nov. 21.	10	Administration, salaries, regular, payroll	347 50	
	10	Police, salaries, regular, payroll	723 78	
	10	Salaries, temporary, payroll	485 00	
Dec. 7.	11	Administration, salaries, regular, payroll	347 50	
	11	Police, salaries, regular, payroll	723 78	
	11	Salaries, temporary, payroll	495 00	
Dec. 22.	12	Administration, salaries, regular, payroll	347 50	
	12	Police, salaries, regular, payroll	725 03	
	12	Salaries, temporary, payroll	492 50	
				$18,856 86
1917.		Abstract No. 3		
Jan. 10.	13	Administration, salaries, regular, payroll	$347 50	
	13	Police, salaries, regular, payroll	723 78	
	13	Salaries, temporary, payroll	494 00	
22.	14	Administration, salaries, regular, payroll	347 50	
	14	Police, salaries, regular, payroll	687 53	
	14	Salaries, temporary, payroll	562 50	
Feb. 10.	15	Administration, salaries, regular, payroll	347 50	
	15	Police, salaries, regular, payroll	723 78	
	15	Salaries, temporary, payroll	555 00	
23.	16	Administration, salaries, regular, payroll	347 50	
	16	Police, salaries, regular, payroll	721 28	
	16	Salaries, temporary, payroll	497 00	
March 6.	17	Administration, salaries, regular, payroll	347 50	
	17	Police, salaries, regular, payroll	693 78	
	17	Salaries, temporary, payroll	570 50	
22.	18	Administration, salaries, regular, payroll	347 50	
	18	Police, salaries, regular, payroll	725 03	
	18	Salaries, temporary, payroll	594 00	
		Abstract No. 4		
April 10.	19	Administration, salaries, regular, payroll	347 50	
	19	Police, salaries, regular, payroll	723 78	
	19	Salaries, temporary, payroll	416 00	

View of First Sister Island From Second Sister Island Show Rapids Between.

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ASTOR, LENOX
TILDEN FOUNDATIONS

Date 1916.		Voucher	Name and Classification	Amount	
	24.	20	Administration, salaries, regular, payroll	347 50	
		20	Police, salaries, regular, payroll	723 78	
		20	Salaries, temporary, payroll	452 00	
May	4.	21	Administration, salaries, regular, payroll	347 50	
		21	Police, salaries, regular, payroll	723 78	
		21	Salaries, temporary, payroll	452 00	
	22.	22	Administration, salaries, regular, payroll	347 50	
		22	Police, salaries, regular, payroll	725 03	
		22	Salaries, temporary, payroll	559 00	
June	14.	23	Administration, salaries, regular, payroll	347 50	
		23	Police, salaries, regular, payroll	723 78	
		23	Salaries, temporary, payroll	448 00	
	22.	24	Administration, salaries, regular, payroll	347 50	
		24	Police, salaries, regular, payroll	723 06	
		24	Salaries, temporary, payroll	403 50	
			Total payroll		$37,648 75
			Abstract No. 1		
Aug.	9.	1	William B. Howland, traveling expenses	$31 00	
		2	Thomas W. Meachem, traveling expenses	14 49	
		3	Clarence H. Atwood, traveling expenses	5 10	
Sept.	11.	4	William B. Howland, traveling expenses	11 28	
		5	Clarence H. Atwood, traveling expenses	6 80	
		6	William B. Howland, traveling expenses	33 70	
		7	The Prospect House, traveling expenses	3 00	
			Abstract No. 2		
Oct.	9.	8	Harry K. Eckert, traveling expenses	3 40	
		9	Harry K. Eckert, traveling expenses	3 45	
		10	Clarence H. Atwood, traveling expenses	36 50	
		11	Harry K. Eckert, traveling expenses	5 10	
		12	William B. Howland, traveling expenses	33 35	
		13	Thomas W. Meachem, traveling expenses	13 29	
		14	The Prospect House, traveling expenses	4 05	
		15	Harry K. Eckert, traveling expenses	6 70	

Date 1917.	Voucher	Name and Classification	Amount	
		Abstract No. 3		
Jan. 10.	16	Clarence H. Atwood, traveling expenses	$45 00	
	17	A. T. Clearwater, traveling expenses	16 17	
	18	A. T. Clearwater, traveling expenses	32 50	
	19	Harry K. Eckert, traveling expenses	3 40	
	20	Harry K. Eckert, traveling expenses	33 20	
	23	George J. Meyer, traveling expenses	33 00	
	24	Paul A. Schoellkopf, traveling expenses	25 00	
Feb. 10.	25	Clarence H. Atwood, traveling expenses	4 80	
	26	City Club of New York, traveling expenses	20 00	
	27	Harry K. Eckert, traveling expenses	4 85	
	28	William B. Howland, traveling expenses	19 50	
March 6.	29	Harry K. Eckert, traveling expenses	3 40	
	30	William B. Howland, traveling expenses	29 00	
		Abstract No. 4		
April 10.	31	Clarence H. Atwood, traveling expenses	35 40	
	32	Harry K. Eckert, traveling expenses	4 85	
	33	Charles B. Langworthy, traveling expenses	7 65	
May 4.	34	Clarence H. Atwood, traveling expenses	4 80	
	35	Harry K. Eckert, traveling expenses	31 05	
June 14.	36	Clarence H. Atwood, traveling expenses	6 40	
	37	Harry K. Eckert, traveling expenses	3 05	
	38	A. T. Clearwater, traveling expenses	37 29	
	39	Thomas W. Meachem, traveling expenses	28 56	
		Total traveling expenses		$640 08
1916.		Abstract No. 1		
July 24.	1	Harry K. Eckert, postage	$5 00	
Sept. 11.	2	Harry K. Eckert, postage	15 00	
		Abstract No. 2		
Oct. 9.	3	Harry K. Eckert, postage	$5 00	
Nov. 9.	4	Harry K. Eckert, postage	6 00	
Dec. 7.	5	Harry K. Eckert, postage	2 00	
1917.		Abstract No. 3		
Jan. 10.	6	Harry K. Eckert, postage	$21 00	
Feb. 10.	7	Harry K. Eckert, postage	26 00	
March 6.	8	Harry K. Eckert, postage	10 00	

Date 1917.	Voucher	Abstract No. 4 Name and Classification	Amount	
April 10.	9	Harry K. Eckert, postage.....	$20 00	
May 4.	10	Harry K. Eckert, postage.....	10 00	
		Total postage		$120 00

EXENDITURES

CLARENCE H. ATWOOD, *Treasurer*
Chapter 646, Part 1, Laws of 1916

Date 1916.	Voucher	Abstract No. 1 Name and Classification	Amount
July 24.	1	New York Telephone Co., maintenance.	$5 50
	2	Harry K. Eckert, maintenance.....	4 20
Aug. 9.	3	The Saniform Co., maintenance.....	7 50
	4	G. Beaton, maintenance.....	16 85
	5	Hydraulic Power Co., maintenance....	11 03
	6	C. F. Rattigan, agent and warden, maintenance.	11 60
	7	Allen Milling Co., maintenance.....	19 15
	8	John B. Trombly, agent and warden, maintenance.	35 75
	9	Philadelphia Lawn Mower Co., maintenance.	87 50
	10	S. O. Barnum & Son Co., maintenance.	10 00
	11	Adams & White Co., maintenance.....	52 85
	12	Haeberle Lumber Co., maintenance....	1 85
	13	George Irish Paper Co., maintenance.	4 05
	14	Fred B. Peck, maintenance.....	30 00
	15	Macbeth-Evans Glass Co., maintenance.	48 46
	16	Standard Oil Co. of New York, maintenance.	10 74
Sept. 11.	17	Allen Milling Co., maintenance.....	40 50
	18	A. P. W. Paper Co., maintenance.....	117 75
	19	M. B. Butler, Inc., maintenance.....	7 85
	20	Elderfield-Hartshorn Hardware Co., maintenance.	28 82
	21	M. E. Gardner, maintenance.....	9 50
	22	J. B. Lyon Co., maintenance.....	5 60
	23	Niagara Falls Power Co., maintenance.	14 00
	24	T. M. Osborne, agent and warden, maintenance.	5 50
	25	L. C. Smith & Bros. Typewriter Co., maintenance.	68 16
	26	Western Union Telegraph Co., maintenance.	6 26
	27	William Young, maintenance.....	9 79
	28	Eureka Fire Hose Manufacturing Co., maintenance.	90 00

Date 1916.	Voucher	Name and Classification	Amount
	29	Kemp Rubber Co., maintenance.....	40 86
	30	J. B. Lyon Co., maintenance.....	18 00
	31	J. B. Lyon Co., maintenance.....	5 48
	32	New York Telephone Co., maintenance.	13 85
	33	New York Telephone Co., maintenance.	7 65
		Abstract No. 2	
Oct. 9.	34	G. Beaton, maintenance.....	$9 50
	35	Allen Milling Co., maintenance.....	18 70
	36	G. Beaton, maintenance.....	8 50
	37	M. B. Butler, Inc., maintenance.....	1 50
	38	Harry K. Eckert, maintenance.....	66
	39	Elderfield-Hartshorn Hardware Co., maintenance.....	41 69
	40	Niagara Searchlight Co., maintenance.	6 00
	41	Otis Elevator Co., maintenance.....	13 42
	42	Western Union Telegraph Co., maintenance.....	4 12
	43	William Young, maintenance.....	1 25
	44	Harry K. Eckert, maintenance.....	5 92
	45	Niagara Searchlight Co., maintenance.	4 80
	46	Philadelphia Lawn Mower Co., maintenance.....	12 00
	47	Roberts' Brothers Co., maintenance..	4 00
	48	Sterling Electric Lamp Div., maintenance.....	64 80
	49	Standard Oil Co., of New York, maintenance.....	10 50
Nov. 9.	50	Allen Milling Co., maintenance.....	44 00
	51	American Watchman's Time Detector Co., maintenance	12 00
	52	G. Beaton, maintenance.....	9 75
	53	Elderfield-Hartshorn Hardware Co., maintenance	71 82
	54	Williard S. Gleason, D. V. M., maintenance	13 00
	55	Williard S. Gleason, D. V. M., maintenance.....	4 50
	56	Joseph W. Maronel, maintenance.....	2 00
	57	Niagara Searchlight Co., maintenance.	4 40
	58	Otis Elevator Co., maintenance.....	30 00
	59	Western Union Telegraph Co., maintenance.....	4 33
	60	William Young, maintenance.....	2 25
	61	Fred V. Simpson, maintenance.....	79 56
	62	New York Telephone Co., maintenance.	6 35
	63	New York Telephone Co., maintenance.	7 00

Date 1916.	Voucher	Name and Classification	Amount
Dec. 7.	64	Adams & White Co., maintenance....	$13 20
	65	Allen Milling Co., maintenance.....	41 30
	66	Alliger Box & Lumber Co., maintenance.....	60 00
	67	H. V. Bright, maintenance.....	4 06
	68	Gilbert Beaton, maintenance.....	6 00
	69	Henry Chormann, maintenance.....	4 25
	70	Dirnberger Pop Corn Co., maintenance.	3 80
	71	Elderfield-Hartshorn Hardware Co., maintenance.....	45 24
	72	Oliver A. Quayle, maintenance.....	14 30
	74	W. & T. Smith Co., maintenance.....	5 25
	75	L. J. Schira, maintenance.....	2 50
	76	Harry K. Eckert, maintenance.....	90
1917.		Abstract No. 3	
Jan. 10.	77	Adams & White Co., maintenance....	10 97
	78	Gilbert Beaton, maintenance.....	10 90
	79	Elderfield-Hartshorn Hardware Co., maintenance.....	18 73
	80	Haeberle Lumber Co., maintenance...	27 00
	81	J. & R. Lamb, maintenance.....	75 00
	82	William H. Moyer, A. & W., maintenance.....	64 00
	83	New York Telephone Co., maintenance.	10 80
	84	G. D. Rowse, maintenance.....	140 00
	85	Western Union Telegraph Co., maintenance.....	6 07
	86	William Young, maintenance.....	17 13
Feb. 10.	87	Adams & White Co., maintenance.....	13 95
	88	Gilbert Beaton, maintenance.....	10 00
	89	Cataract Ice Co., maintenance.....	7 30
	90	Elderfield-Hartshorn Hardware Co., maintenance.....	33 49
	91	Harry K. Eckert, maintenance.....	3 64
	92	Harry K. Eckert, maintenance.....	18 48
	93	New York Telephone Co., maintenance.	9 65
	94	New York Telephone Co., maintenance.	10 65
	95	Otis Elevator Co., maintenance.....	30 00
	96	Romer Axe Co., maintenance.....	27 75
	97	Sterling Electric Lamp Div., maintenance.....	121 50
	98	Western Union Telegraph Co., maintenance.....	1 51
	99	William Young, maintenance.....	1 50
March 6.	100	Allen Milling Co., maintenance.....	53 30
	101	Allen Milling Co., maintenance.....	46 05
	102	Gilbert Beaton, maintenance.....	15 00

Date 1917.	Voucher	Name and Classification	Amount
	103	Harry K. Eckert, maintenance.....	57
	104	Mitchell Storage Co., Inc., maintenance	13 00
	105	Elderfield-Hartshorn Hardware Co., maintenance.....	25 98
	106	Oliver A. Quayle, maintenance.....	32 50
	107	Oliver A. Quayle, maintenance.....	16 50
	108	Western Union Telegraph Co., maintenance.....	4 60
	109	William Young, maintenance.....	1 50
		Abstract No. 4	
April 10.	110	Allen Milling Co., maintenance.....	$52 15
	111	Gilbert Beaton, maintenance.....	5 75
	112	Elderfield-Hartshorn Hardware Co., maintenance.....	10 02
	113	James P. Hewitt, Jr., maintenance...	59 76
	114	Erich Krueger, maintenance.....	103 05
	115	New York Telephone Co., maintenance.	7 05
	116	New York Telephone Co., maintenance.	8 50
	117	Otis Elevator Co., maintenance.....	11 35
	118	Oliver A. Quayle, maintenance.....	350 00
	119	Oliver A. Quayle, maintenance.....	5 00
	120	Western Union Telegraph Co., maintenance.....	1 21
May 4.	121	Adams & White Co., maintenance.....	16 25
	212	Gilbert Beaton, maintenance.....	12 90
	123	Dirnberger Pop Corn Co., maintenance.	6 30
	124	Elderfield-Hartshorn Hardware Co., maintenance.....	28 96
	125	Harry K. Eckert, maintenance.....	8 60
	126	James P. Hewitt, Jr., maintenance...	82 55
	127	W. S. Gleason, D. V. M., maintenance.	4 50
	128	General Carbonic Co., maintenance...	15 00
	129	Peter Henderson & Co., maintenance..	28 25
	130	Otis Elevator Co., maintenance.....	30 00
	131	B. C. Pratt Co., maintenance.....	17 00
	132	William Young, maintenance.....	3 44
	133	Western Union Telegraph Co., maintenance.....	1 16
June 14.	134	Allen Milling Co., maintenance.....	66 16
	135	Allen Milling Co., maintenance.....	51 00
	136	Gilbert Beaton, maintenance.....	11 90
	137	Elderfield-Hartshorn Hardware Co., maintenance.....	58 75
	138	Friend Mfg. Co., maintenance.....	15 08
	139	Paterson-Thompson Co., maintenance.	3 05
	140	Sterling Electric Lamp Div., maintenance.....	56 70

Date 1917.	Voucher	Name and Classification	Amount	
	141	New York Telephone Co., maintenance.	12 20	
	142	New York Telephone Co., maintenance.	12 55	
	143	Western Union Telegraph Co., maintenance.	3 74	
		Total maintenance		$3,584 62

EXPENDITURES

CLARENCE H. ATWOOD, *Treasurer*

Chapter 646, Part 3, Laws of 1916

Date 1916.	Voucher	Name and Classification	Amount
		Abstract No. 1	
Aug. 9.	1	Henry Asma, repairs.	$440 00
	2	Gilbert Beaton, repairs.	136 11
	3	Gilbert Beaton, repairs.	61 40
Sept. 11.	4	River Sand Co., repairs.	57 75
	5	Standard Oil Co. of New York, repairs	639 08
		Abstract No. 2	
Oct. 9.	6	Gilbert Beaton, repairs.	$64 75
	7	Henry Chormann, repairs.	23 35
	8	Henry Chormann, repairs.	7 05
	9	Concrete Stone & Coal Co., repairs. . . .	14 06
	10	Concrete Stone & Coal Co., repairs. . . .	58 33
Nov. 9.	11	Gilbert Beaton, repairs.	13 20
	12	McGarigle Machine Co., repairs.	12 07
Dec. 7.	13	Concrete Stone & Coal Co., repairs. . . .	11 63
	14	Century Telephone Cons. Co., repairs.	2 31
	15	River Sand Co., repairs.	10 50
1917.		Abstract No. 3	
Feb. 10.	16	Gilbert Beaton, repairs.	$8 25
	17	Henry Chormann, repairs.	2 85
	18	Dobbie Foundry & Machine Co., repairs	14 50
	19	Elderfield-Hartshorn Hardware Co., repairs.	24 05
	20	M. E. Harris, repairs.	12 00
March 6.	21	Gilbert Beaton, repairs.	57 15
	22	Homer Cumberland, repairs.	19 37
	23	Durabel Sanitary Floor Co., Inc.	834 40
	24	Elderfield-Hartshorn Hardware Co., repairs.	15 85
		Abstract No. 4	
April 10.	25	Henry Chormann, repairs.	$5 30
	26	Dobbie Foundry & Machine Co., repairs	15 03
May 4.	27	Buffalo Cement Co., repairs.	82 88
	28	Concrete Stone & Coal Co., repairs. . .	21 50
	29	Haeberle Lumber Co., repairs.	21 60

Date 1916		Voucher	Name and Classification	Amount	
June	14.	30	Gilbert Beaton, repairs	10 00	
		31	W. A. Case & Son Mfg. Co., repairs	81 00	
		32	Haeberle Lumber Co., repairs	3 00	
		33	Headley Good Roads Co., repairs	195 91	
		34	J. L. Mott Iron Works, repairs	115 75	
		35	Otis Elevator Co., repairs	236 15	
		36	William Young, repairs	66 45	
April	10.	1	Payroll, repairs	240 00	
	24.	2	Payroll, repairs	178 00	
May	4.	3	Payroll, repairs	130 00	
June	22.	4	Payroll, repairs	341 50	
					$4,278 08
					$46,307 30

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA

CLARENCE H. ATWOOD, *Treasurer*

Record of receipts for the fiscal year 1916–1917 received from the Concessionaires:

Prospect Point Elevator	$13,165 95
Cave of the Winds	5,275 51
International Railway	1,000 00
Maid of the Mist	600 00
Reservation Carriage Service	100 00
	$20,141 46

Record of date of transfers of above receipts, to the Treasurer of the State of New York:

1916.			
Aug.	1,	Receipts for July, 1916	$3,979 50
Sept.	1.	Receipts for August, 1916	4,187 25
Oct.	2.	Receipts for September, 1916	3,068 00
Nov.	2.	Receipts for October, 1916	4,602 46
Dec.	1.	Receipts for November, 1916	1,239 90
1917.			
Jan.	1.	Receipts for December, 1916	195 85
Feb.	1.	Receipts for January, 1917	280 25
March	5.	Receipts for February, 1917	421 35
April	2.	Receipts for March, 1917	254 40
May	1.	Receipts for April, 1917	330 80
June	1.	Receipts for May, 1917	641 50
July	2.	Receipts for June, 1917	940 20
			$20,141 46

Looking East From Driveway, Green Island, Showing Upper American Rapids.

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX
TILDEN FOUNDATIONS

View From Great Island of Luna Island and Prospect Park also Bridge Connecting Goat and Luna Island and Brink of American Fall.

THE NEW YORK
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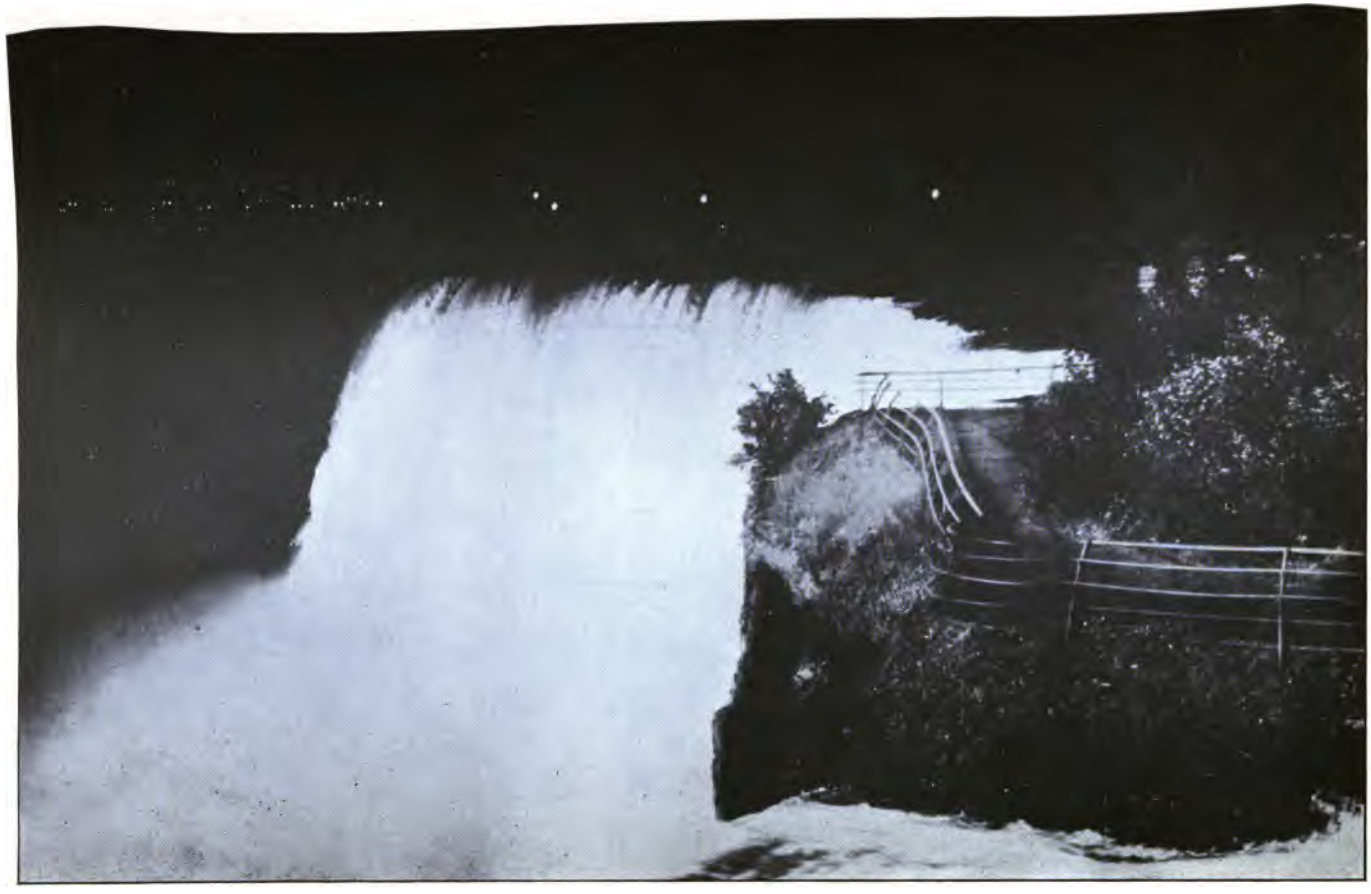
ASTOR, LENOX
TILDEN FOUNDATIONS



NIAGARA FALLS ILLUMINATED — TAKEN AT NIGHT

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX
TILDEN FOUNDATIONS

STATE OF NEW YORK,
COUNTY OF NIAGARA, } ss.:

Clarence H. Atwood, being duly sworn, deposes and says, that he is the Treasurer of the Commissioners of the State Reservation at Niagara, and that the above report, made by him as such treasurer, for the fiscal year 1916–1917, is correct and true to the best of his knowledge.

C. H. ATWOOD,
Treasurer.

Sworn to before me, this 19th
of November, 1917.
JAMES C. MOAKLER,
Notary Public.

CERTIFICATE

We, the undersigned, Commissioners of the State Reservation at Niagara, hereby audit the foregoing accounts, at the several amounts named.

T. W. MEACHEM,
GEO. J. MEYER,
PAUL A. SCHOELLKOPF,
A. T. CLEARWATER,
ANSLEY WILCOX.

THE DOW VIEW TABLET

On May 1, 1917, Charles Mason Dow, LL. D., who was a Commissioner of the State Reservation at Niagara from March 25, 1898, to , 1914, and President of the Commission from December 2, 1903, to , 1914, was an invited guest of the present Commissioners at their meeting held in the Administration Building of the Reservation at Niagara Falls.

At the close of the business meeting, Commissioner Alphonso T. Clearwater, in behalf of the Commission, informed Dr. Dow that in recognition of his eminent services as a member of the Commission, a commanding point on the rim of the gorge at the extreme northern end of the Reservation had been named Dow View; and that pursuant to the resolution of the Commission a bronze tablet bearing a suitable inscription had been erected on the spot. Designs for the tablet had been invited from the Tiffany Studios, the Gorham Company and J. & R. Lamb of New York City, and the one submitted by the latter firm, and prepared by Mr. Charles Rollinson Lamb, the artist, had been accepted. Of all the designs presented, this one was the simplest, most dignified, most artistic, and most in keeping with the character of Dr. Dow and the service which the tablet was intended to commemorate. It was now in place in the grotto at Dow View, and Judge Clearwater suggested that the Commission take a recess and that Dr. Dow be invited to accompany the Commission to view the memorial.

Upon arrival at the grotto, the tablet was disclosed to Dr. Dow for the first time. It bears the following inscription:

This tablet was erected by
the Commissioners of the
State Reservation at Niagara
in commemoration of the
services of
Charles M. Dow
President of the Commission
1903–1914.
Erected 1917.

Judge Clearwater said that in erecting this tablet the Commissioners had departed from its rule as to the erection of tablets, statues and other memorials upon the grounds of the Reservations,

but that the great and unselfish service performed by Dr. Dow made the departure not only permissible but also commendable. He felt that it was too much the custom of men to withhold the bestowal of wreaths of Amaranth until the only suitable offering was a garland of Asphodel.

Dr. Dow replied as follows:

"MR. PRESIDENT AND GENTLEMEN OF THE COMMISSION.—I cannot adequately express my appreciation or sufficiently thank you for your kindness in erecting this beautiful bronze tablet in commemoration of my work here; nor can I tell you, in all sincerity, how little I feel that I merit this distinction above the other members of the Commission. In the 34 years that have passed since the first appointments were made May 2, 1883, there have been 22 members of your Commission; and however they have differed in details, from Andrew Green down to Ansley Wilcox they have been unanimous in their desires and their efforts to carry out the single purpose for which this great scenic Reservation was created. I count Mr. Wilcox, the newest member of this Commission, among those who have labored for Niagara in the past, for the first Commission was not a year old before it chose Mr. Wilcox's law firm as the medium through which to present to the Supreme Court its petition for the appointment of Commissioners of Appraisement to take the property which constitutes this Reservation. It seems to me that this appointment, in 1917, of a man who represented the views of this Commission in 1884, is a singular testimony to the uniformity of purpose which the Commission has steadfastly maintained for a third of a century.

"The task of this Commission, Mr. President, has not been a light one. At the beginning, its work was that of rescue; then that of restoration; next that of construction; and all the time, that of protection. This task has required careful study and discrimination in order that the natural beauties of the Reservation might not be marred by ill-judged "improvements." It has required moral courage to resist the importunities of private interests that would encroach upon its precincts. It has required a lively appreciation of public sentiment, in order that as the representatives and servants of the people of this State, and in a wider sense Trustees for the Nation, public sentiment might faithfully be realized in proper administration of this exceptional work of nature. It has required good business judgment, in order that the physical work might be performed with due economy. It has required a perception of public needs peculiar

to this particular spot, in order that the convenience and safety of visitors might be secured.

"The record of the Commissioners in all these respects is one in which its members may take a reasonable pride. No public protest has ever been made against its management so far as I know. No charge of extravagance in its fiscal affairs has ever been lodged against it. No Commissioner has ever been removed from office. These are things which may be remembered with satisfaction by every man who has ever been or still is a member of this body.

"But there is another reason, of far-reaching importance, why it is fortunate that the record of the Niagara Falls State Reservation Commission has been what it *has* been. It is to be remembered that this is the first reservation of scenic beauty in the United States created solely for aesthetic reasons by the appropriation of public moneys. The Yellowstone National Park, which was the only national reservation of scenic beauty in existence before the establishing of the Niagara Reservation, was not created by an appropriation of public moneys; the land for the Yellowstone National Park was not bought for the purpose; it already belonged to the Government and was reserved from the Public Domain. There was no precedent in this State or any other State, so far as we know, either for the exercise of the right of eminent domain or for the use of the money of the people raised by taxation for the creation of a reserve solely for the preservation of a wonderful natural spectacle without any excuse or pretense of a utilitarian end.

"The creation of the Niagara Reservation, therefore, set up a precedent. If this precedent were vindicated in the judgment of the people by wise and successful management of the Reservation, the precedent promised to become established, recognized, respected, and to have a far-reaching influence in leading to the creation of other scenic reservations. If, on the other hand, the precedent were discredited by the miscarriage of the purpose for which the Reservation was created; and if the people were given reason to complain of dissatisfaction with this first notable experiment, it is manifest that the failure would have had a most depressing effect on all further efforts of a similar nature.

"Which of these results has been attained is well known. The precedent of Niagara has been vindicated, established, and followed. The largest public reservation in this State, the Forest Preserve of 1,800,000 acres, has not been built up for utilitarian purposes only. In fact, utilitarianism, if it had had its way, would have denuded the Forest Preserve ere this. The Forest Preserve is founded and maintained equally for aesthetic reasons.

The sentiment sustained by the Niagara precedent is reflected there. The next greatest park, the Palisades Interstate Park of 30,000 acres, was begun purely as an aesthetic movement to save the Palisades of the Hudson river from mutilation by quarrymen. Having earned the public confidence, the Commissioners of that park have been enabled, by generous private gifts and large State appropriations — the latest being $2,500,000 — greatly to extend its area and scope. The Stony Point Battlefield State Reservation on the Hudson was created solely for scenic and historic purposes. The wise administration of this reservation of 35 acres by the American Scenic and Historic Preservation Society led to the creation, either by State appropriation or by private gift, and the placing of them in that society's custody, of other reservations like Letchworth Park of 1,000 acres; John Boyd Thacher Park, 350 acres; Battle Island Park, 200 acres, etc. Other reservations of a similar value have been created in various parts of this State; and what is more, the example of this State has been one of the most helpful arguments for similar reservations in other States.

"Therefore, I do not think I overestimate the importance of the successful management of the Niagara Reservation.

"The work here, however, can never become perfunctory. There must be unceasing vigilance in order that the integrity of the Reservation may be maintained and past standards of administration continued. The introduction in the Legislature this year of a bill to authorize the erection of an electric power plant within the Reservation and the diversion of 4,400 cubic feet per second more from the river above the Falls is an evidence that the Reservation is still in need of protection.

"I cannot conclude these brief remarks without attempting to express a thought which is stirred up by the prospect which we have when we look across the Falls and River which intervene between us and Canada.

"The two peoples who fought face to face 142 years ago are today fighting side by side in the greater cause of the freedom of all liberty-loving and law-abiding nations throughout the world. In the interval between these two epoch-marking events, happily the difference of nearly a century and a half ago have been forgotten in the remembrance of the ties of blood and pround traditions which we have in common. During the past three years, there has been no closer touch between the peoples of the United States and Great Britain than right here at Niagara Falls. In the common care of this great gift of nature undertaken simultaneously by the Dominion of Canada and the State of New York, we have not only a bond which has drawn us together in increas-

ingly friendly relations, but also, as it now seems, a pre-figurement of that larger cooperation which the two nations have now undertaken for the preservation of the greater trust of civilization. Here at Niagara Falls, in the presence of this great manifestation of Divine power and beauty, first witnessed of white men by Frenchmen and later conserved by Englishmen and Americans, as we stand looking across the river now to comrades-in-arms, let us hope that the bow of promise which spans the mist may be the symbol of the triumph that shall crown our united efforts for a happier world."

A LIST OF AQUATINTS OF NIAGARA FALLS

Collected and owned by Commissioner Alphonso T. Clearwater of Kingston, N. Y., with the name of the artist, the view, the publisher or printer, the date of publication and size of the print.

Artist	Subject	Publisher or printer	Date	Size in inches
T. H. Becker	Horse Shoe Falls, the Canadian Side	Goupil Vibert & Co., Paris	1856	38 x 28
W. J. Bennett	Niagara Falls, from the Table Rock	George E. Perine	1867	24 x 18
W. H. Bennett	Niagara Falls, from Table Rock	Unknown	1840	27 x 21
W. J. Bennett	Niagara Falls. View of British Falls from Goat Island	J. Hill (printer); H. L. Magery (publisher)	....	20 x 16
H. J. Bennett	Niagara Falls, from Foot of Staircase	J. Hill (printer); H. L. Magery (publisher)	....	25 x 20
Lieutenant-Colonel Cockburn (engraver, John Edge)	Falls of Niagara. General View Above English Ferry	Ackerman & Co., London	1857	30 x 23
Lieutenant-Colonel Cockburn (engraver, C. Hunt	Falls of Niagara. View of Upper Bank, English Side	Ackerman & Co., London	....	30 x 23
Lieutenant-Colonel Cockburn (engraver, C. Hunt	Falls of Niagara. View of Horse Shoe Falls from Goat Island	Ackerman & Co., London	1857	30 x 23
Major Henry Davis, 52d Light Infantry	Horse Shoe Falls, from Goat Island	Thomas McLean, London	1848	27 x 22
Major Henry Davis, 52d Light Infantry	Great Horse Shoe Falls, from Foot of of Shaft Below	Thomas McLean, London	1848	27 x 23
Major Henry Davis, 52d Light Infantry	Horse Shoe Falls, from Southwest Edge near Table Rock	Thomas McLean, London	1848	25 x 18
Major Henry Davis, 52d Light Infantry	Sunset, from Goat Island	Thomas McLean, London	1846	25 x 18
William Endicott & Co. (lithographer)	Niagara Falls, Suspension Bridge	W. G. Buchanan, New York	1843	16 x 10
R. Hancock	Water Fall of Niagara	Laurie and Whittle, London	1794	15 x 9 4/10
J. Hill (engraver)	Niagara Falls. Part of British Fall Taken under Table Rock	H. L. Magarey, New York	....	25 x 20
F. Holloway (Sarony & Major, lithographers)	A View from the Clinton Road	Sarony & Major	....	18 x 14

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A LIST OF AQUATINTS OF NIAGARA FALLS — (*Continued*)

Artist	Subject	Publisher or printer	Date	Size in inches
S. Hess	Falls of Niagara, from Canadian Side and the Rainbow	Currier & Ives, New York	1859	31 x 22
Robert Havell	Niagara Falls. Painted from Chinese Pagoda	Ackerman & Co., London	1845	30 x 22
Father Hennepin	View of the Falls of Niagara from the West Side	Unknown	1740	34 x 18
F. Holloway	The American and Horse Shoe Falls	Hall & Mooney	1846	16 x 10
F. Holloway	Horse Shoe Falls and Table Rock	Hall & Mooney	1846	16 x 10
F. Holloway	American Falls and Horse Shoe Falls in the Distance	Hall & Mooney	1846	16 x 10
F. Holloway	The American Falls	Hall & Mooney	1846	16 x 10
Captain R. Hall, R. N	Niagara Falls, Below	Cadell & Co., Edinburgh	1829	9½ x 7
Captain R. Hall, R. N	Niagara Falls, from Above	Cadell & Co., Edinburgh	1829	9½ x 7
Captain R. Hall, R. N	Niagara on the American Side	Cadell & Co., Edinburgh	1829	9½ x 7
Captain R. Hall, R. N	General View of the Falls of Niagara	Cadell & Co., Edinburgh	1829	9½ x 7
Captain R. Hall, R. N	Bridge Crossing Rapids at Niagara	Cadell & Co., Edinburgh	1829	9½ x 7
Aug. Kollner (DeRoy, lithographer)	The Horse Shoe Falls	Cattier (printer); Goupil Vibert & Co., Paris (publisher)	....	12 x 8½
Aug. Kollner (DeRoy, lithographer)	The Falls of Niagara and Rainbow	Cattier (printer); Goupil Vibert & Co., Paris (publisher)	....	11½ x 8
Aug. Kollner (DeRoy, lithographer)	The Rapids at Niagara	Cattier (printer); Goupil Vibert & Co., Paris (publisher)	1848	11 x 8
Aug. Kollner (DeRoy, lithographer)	The Suspension Bridge	Cattier (printer); Goupil Vibert & Co., Paris (publisher)	1848	16 x 12 ½
Aug. Kollner (DeRoy, lithographer)	The Horse Shoe Falls	Cattier (printer); Goupil Vibert & Co., Paris (publisher)	1848	16 x 12 ½
Aug. Kollner (DeRoy, lithographer)	American Falls from Table Rock	Cattier (printer); Goupil Vibert & Co., Paris (publisher)	1848	16 x 12 ½
C. Parsons	The Railroad and Suspension Bridge	Currier & Ives, New York	1856	17 x 13
S. Russell (Kell Brothers, lithographers)	Proposed Tubular Bridge for Crossing the Niagara Gorge	John Weale, London	1860	23 x 17
A. W. Sangster	Fifteen Views of Niagara River	Unknown	1888	15 x 11
A. W. Sangster	The Falls of Niagara	Unknown	1850	15 x 11

E. J. Veenendaal	American Falls	Unknown	*1789	8 x 10
W. Vivian	Side of the American Falls and Horse Shoe Falls in Distance	Ackerman & Co., London	....	16 x 12
W. Vivian	American Falls, from the Bank Above	Ackerman & Co., London	....	16 x 12
W. Vivian	American Falls, from a Ravine Opposite	Ackerman & Co., London	....	16 x 12
W. Vivian	Horse Shoe Falls, from the Canada Bank	Ackerman & Co., London	....	16 x 12
W. Vivian	British or Horse Shoe Falls	Ackerman & Co., London	....	16 x 12
J. B. Wandesforde	The Horse Shoe Falls and the Tower	R. Heinshelwood, London	1858	29 x 21
Unknown	The Falls of Niagara	St. R. Phillips & Co., London	1823	21½ x 00
Unknown	Mons. Blondin's Walk Across the Cataract	Charles Magnus & Co., New York	....	20 x 8
Unknown	Horse Shoe Falls in Storm	Unknown	....	23 x 16
Unknown	Niagara Falls, from Goat Island	Currier & Ives, New York	1856	20 x 15
Unknown	Horse Shoe Falls and the Rainbow	Unknown	....	36 x 20
Unknown	Panoramic View of Niagara Falls from Clifton House, Canada Side	A. Vandricourt (lithographer)	1845	35 x 23
Unknown	Views of the Falls of Niagara from the West Side	Unknown	1740	24 x 18

*Amsterdam

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STATE OF NEW YORK

THIRTY-FIFTH ANNUAL REPORT

OF

THE COMMISSIONERS

OF THE

State Reservation at Niagara

For the Fiscal Year
From July 1, 1917, to June 30, 1918

ALBANY
J. B. LYON COMPANY, PRINTERS
1919

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STATE OF NEW YORK

STATE RESERVATION AT NIAGARA

NIAGARA FALLS, N. Y., *January* 24, 1919

HON THADDEUS C. SWEET, *Speaker of Assembly, Albany, N. Y.:*

DEAR SIR.—Enclosed please find the original of the annual report, of the Commissioners of the State Reservation at Niagara, for the fiscal year 1917–1918.

And following our usual proceeding we are forwarding the same to you.

Yours very truly,

C. H. ATWOOD,

Acting Superintendent.

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA

The following is the list of Commissioners and officers with the term of service of each:

Commissioners	Confirmed	Retired
Andrew H. Green of New York	May 2, 1883	Nov. 13, 1903*
William B. Dorsheimer of Buffalo	May 2, 1883	Mar. 26, 1888*
Martin B. Anderson of Rochester	May 2, 1883	May 11, 1888
J. Hamden Robb of New York	May 2, 1883	Nov. 10, 1887–
Sherman S. Rogers of Buffalo	May 2, 1883	May 11, 1888
John M. Bowers of New York to succeed William B. Dorsheimer	May 11, 1888	Mar. 25, 1898
James Mooney of Buffalo to succeed J. Hampden Robb	May 11, 1888	Mar. 22, 1893
John Hodge of Lockport to succeed Sherman S. Rogers	May 11, 1888	Mar. 22, 1893
William B. Watson of Utica to succeed Martin B. Anderson	May 11, 1888	Feb. 12, 1889–
Daniel Batchelor of Utica to succeed William B. Watson	Feb. 12, 1889	Dec. 12, 1893*
Robert L. Fryer of Buffalo to succeed James Mooney	Mar. 22, 1893	Mar. 25, 1898
William Hamilton of Caledonia to succeed John Hodge	Mar. 22, 1893	Mar. 25, 1898
George Raines of Rochester to succeed Daniel Batchelor	Dec. 27, 1893	Nov. 22, 1908*
Alexander J. Porter of Niagara Falls to succeed John M. Bowers	Mar. 25, 1898	Dec. 21, 1910–
Thomas P. Kingsford of Oswego to succeed Robert L. Fryer	Mar 25, 1898	Mar. 27, 1914–
Charles M. Dow of Jamestown to succeed William Hamilton	Mar. 25, 1898	Mar. 27, 1914–
Alvah K. Potter of Lockport to succeed Andrew H. Green	Nov. 27, 1903	Jan. 30, 1907–
William B. Howland of New York to succeed George Raines	Feb. 3, 1909	Mar. 26, 1917*
Eugene M. Cary of Niagara Falls to succeed Alvah K. Potter	June 11, 1908	Mar. 27, 1914–
Thomas W. Meachem of Syracuse to succeed Alexander J. Porter	Dec. 30, 1910	Nov. 13, 1918–
Oliver Cabana, Jr., of Buffalo, to succeed Charles M. Dow	Mar. 27, 1914	Jan. 25, 1915–

* Died in office.

– Resigned.

Commissioners	Confirmed	Retired
George J. Meyer of Buffalo to succeed Thomas P. Kingsford	Mar. 27, 1914	Incumbent
Andrew Cuneo of Scarsdale to succeed Eugene M. Cary	Mar. 27, 1914	Mar. 4, 1916–
Paul A. Schoellkopf of Niagara Falls to succeed Oliver Cabana, Jr	Mar. 25, 1915	Incumbent
Alphonso T. Clearwater of Kingston to succeed Andrew Cuneo	Apr. 9, 1916	Incumbent
Ansley Wilcox of Buffalo to succeed William B. Howland	Mar. 16, 1917	Incumbent
Robert W. DeForest of New York to succeed Thomas W. Meachem	Nov. 13, 1918	Incumbent

President	Elected	Retired
M. B. Anderson, Rochester	May 29, 1883	June 9, 1883–
William Dorsheimer, Buffalo	June 9, 1883	Mar. 26, 1888*
Andrew H. Green, New York	May 26, 1888	Nov. 13, 1903*
Charles M. Dow, Jamestown	Dec. 22, 1903	Mar. 27, 1914–
William B. Howland, New York	April 21, 1914	Feb. 26, 1917*
Thomas W. Meachem, Syracuse	May 1, 1917	April 26, 1918–
A. T. Clearwater, Kingston	April 26, 1918	Incumbent

Secretary and Treasurer	Appointed	Retired
J. Hampden Robb, New York	May 29, 1883	Nov. 22, 1883–
Leighton Williams, New York	Nov. 22, 1883	Jan. 1, 1887–
David Gray, Buffalo	Jan. 1, 1887	Jan. 30, 1888–
Henry E. Gregory, New York	Jan. 30, 1888	Jan. 30, 1899–
Richard F. Rankin, Niagara Falls	Jan. 30, 1899	Feb. 1, 1900–
Peter A. Porter, Jr., Niagara Falls	Feb. 1, 1900	Oct. 1, 1903–
Thomas V. Welch, Niagara Falls	Oct. 1, 1903	Oct. 20, 1903*
As Secretary.		
Edward H. Perry, Niagara Falls:		
As Secretary	Dec. 22, 1903	
As Treasurer	Oct. 1, 1903	May 23, 1910*
Clarence H. Atwood, Buffalo:		
As Treasurer	Aug. 10, 1911	Incumbent
As Secretary	Dec. 19, 1918	
		Retired
Harry K. Eckert, Buffalo: As Secretary	April 16, 1912	Dec. 19, 1918–

Superintendent	Appointed	Retired
Thomas V. Welch, Niagara Falls	July 16, 1885	Oct. 20, 1903*
Edward H. Perry, Niagara Falls	Dec 22, 1903	May 23, 1910*
William E. Harries, Buffalo	Aug. 3, 1910	April 16, 1912–
Harry K. Eckert, Buffalo	April 16, 1912	Incumbent

* Died in office.

– Resigned.

ANNUAL REPORT

NIAGARA FALLS, N. Y., *December* 19, 1918.

To the Honorable the Legislature of the State of New York:

GENTLEMEN.—As required by law, the Commissioners of the State Reservation at Niagara have the honor herewith to submit their report for the fiscal year from June 30, 1917, to June 30, 1918, this being their thirty-fifth annual report.

CHANGE IN THE COMMISSION

At the beginning of the year the Commission was composed of Thomas W. Meachem, George J. Meyer, Paul A. Schoellkopf, Alphonso T. Clearwater and Ansley Wilcox, Mr. Meachem being the President.

At the meeting of the Commission, held on the 26th day of April, 1918, Mr. Meachem resigned as President, and Mr. Clearwater was elected President in his stead. Subsequently Mr. Meachem resigned as a member of the Commission, and Robert W. De Forest was appointed Commissioner in his place.

The Commission here records its deep regret at the severance of Mr. Meachem's relations with the great work at Niagara, with which he was so long connected, and the duties relative to which he discharged with the greatest integrity and ability. His ideals were of the highest; his judgment was sound. Urbane and conciliatory, he was an admirable colleague, and by his resignation the State loses a faithful and unselfish public officer, and the Commission a valuable collaborator.

CHANGES RESULTING FROM THE EUROPEAN WAR

The European war, which brought so many changes in industrial activities throughout the world, as was inevitable, affected the situation at Niagara.

the gorge with additional acquisitions of suitable area on the rim of the gorge itself for observation points, connecting our State Reservation with Youngstown and Fort Niagara, and covering a distance of approximately twelve miles, not only would be a State work of great practical value and greatly facilitate the enjoyment of many features of beautiful scenery, but would constitute a superb and most appropriate memorial, paralleling that of the Dominion of Canada on the other side of the river.

The people of this State wish to hand down to remote posterity adequate evidence of their grateful appreciation of the unhesitating response to the call of duty, and the splendor of the service offered and rendered by the soldiers and sailors in a war which threatened not only the existence of the American Republic, but that of civilization itself, and they wish to begin its construction now. We feel there can be no finer or more appropriate monument to the patriotism and heroism of the flower of our youth; none more in keeping with the magnitude of the sacrifices made and none more becoming the dignity of a great commonwealth than the creation and maintenance along the International boundary of a great park which shall be free to the citizens of all the nations of the earth.

The successful termination of the war having resulted in more firmly cementing the relations between the British Empire, the Dominion, France and the American Republic, it seems to your Commission that the State would do well at once to take up the creation of so imperishable a monument adjoining the vast domain so largely settled by natives of Great Britain and France. The State then truly could say —

"Exegi monumentum aere perennius."

THE CONTINUED AND RAPID RECESSION OF THE APEX OF THE HORSESHOE FALLS

The recession of the rock rim of the Horseshoe Falls continues at an alarming rate. Your attention was called to this matter by our report to you under date of January 3, 1918. We realize that the war absorbing the funds and energies of the State prevented your giving it that consideration which so eminently it

deserves. It was called to the attention of Governor Whitman in 1916, and we then presented it to the consideration of the Hon. James A. Tawney of the International Waterway Commission at Winona, Minn.; Hon. Obadiah Gardner, Chairman of the International Waterways Commission at Rockland, Me.; Hon. Whitehead Klutts, Secretary of the International Joint Commission at Washington, D. C.; Col. Mason H. Patrick, U. S. A., Corps of Engineers, at Detroit, Mich.; and Hon. Newton D. Baker, Secretary of War, at Washington, D. C. No remedial steps have been taken and it is imperative that something at once should be done.

The recession is progressing at the rate of about sixty-two inches a year. It has a most important effect on the distribution of water over the fall, and the consequent appearance of the cataract. As we have before stated, it is established that as a result of the process of erosion the apex or re-entrant angle in the crest of the fall is at the deepest part of the channel, and as the rate of erosion is proportional with the volume of water, other things being equal, the situation tends to aggravate itself by eating away the bed of the river, and drawing the water away from the Goat Island and Canadian shores. The shoaling of these shores and the lack of water has become notably appreciable as a consequence of this process. Congress having authorized the diversion of the full amount now permitted by the International Treaty, namely, 20,000 cubic feet per second, and as hereinbefore stated, the enlargement now being made to the plant of the Hydraulic Power Company requiring the full use of the amount by the Treaty permitted to be diverted, the shoaling to which we have referred constantly will become more noticeable.

We suggest the immediate and careful consideration of the report made to the Chief of Engineers of the United States Army by General, then Major Keller on the 30th day of November, 1908. He proposed that a submerged dam be constructed in the river above the Horseshoe Falls with a view to diverting a portion of the volume from the deepest part of the channel, and spreading it out over the shallower portion nearest the shore. This measure would diminish the erosion of the apex and would improve the appearance of the now impoverished margins. We

are informed, and have reason to believe that if this work were sanctioned by the State and Federal governments, practically the greater part of the expense involved would be borne by the Power Companies of the Falls.

The dam could be constructed of irregular and rough surface concrete blocks, so tinted and placed as to blend with and appear to be part of the rock foundation of the bed of the river.

GREATLY NEEDED ELEVATOR CAVE OF THE WINDS

Again we call your attention to the necessity of an elevator at the Cave of the Winds. The only access from the upper level of Goat Island to the rock talus and path to the Cave of the Winds is by means of the antiquated Biddle Stairs of 190 wooden steps, constituting a winding stairway descending in a wooden tower surrounding a center post. This stairway was erected eighty-nine years ago. It is unsightly, inadequate and only kept in a moderately safe condition by constant and expensive repairs. It is annually used by about 18,000 persons, but a modest estimate is that at least 100,000 visitors would visit the Cave of the Winds if the State provided a proper elevator. The concession for the use of the stairway furnishes a revenue to the State, and the elevator for which we have asked, and again ask, besides affording public accommodation and causing the removal of an unsightly antiquated structure, would prove to be a paying investment for State funds.

We beg to suggest that a wooden structure nearly a century old, used for the purpose to which this one is devoted, is unbecoming the dignity and wealth of the principal State of the Union. None other of the forty-seven States would tolerate the continued existence of so obsolete an approach to so stupendous and famous a natural wonder, peradventure one existed within its borders.

COVER SHED NEEDED AT PROSPECT POINT

Near the edge of the cliff at Prospect Point is the entrance to the elevator, which, descending through a shaft in the rocks, affords access to the Maid of the Mist landing, and the foot of the American Falls. This elevator, as you are aware, replaced

the antiquated inclined railway which has been removed. The entrance to the elevator in the Reservation Park is now covered by a shabby portable wooden shelter, erected in winter and removed in summer. It is designed to protect the elevator particularly from the spray, which congeals in such a mass at that point that many times the shelter is practically hidden from sight. This structure has been severely criticized by all visitors to the Falls, and its replacement by one in keeping with the position of the State is urgently requested. There is an increased use of the elevator which annually yields a revenue to the State, the amount remitted to the State Treasury for the year ending June 30, 1917, being $13,165.95, and the amount remitted for the year ending June 30, 1918, being $12,670.35. A simply designed structure of steel and glass should be immediately erected, and we respectfully urge the Legislature to authorize its construction.

DECAYING AND FALLING TIMBER

From the time the State acquired title to the lands constituting the reservation at Niagara, the disposition of the decaying and falling timber has presented a somewhat troublesome problem for the consideration of the Commissioners, and has been the subject of a difference of opinion between its members. From time to time trees upon the reservation, especially upon Goat Island, reach their maturity, and decay. At intervals cyclonic storms sweeping down from the west uproot trees of considerable size, because of the nearness of the roots to the surface, and the shallow earth covering. For years it has been contended by some State officials that the Commission was without power to sell or in any manner dispose of this decayed and fallen wood, it being State property, and that it either must be used on the Reservation or thrown away because of the inhibition of the Constitution, and the statute, against the sale of State property. To the present members of the Commission this seemed rather an absurd refinement upon and an extension of constitutional and statutory restrictions. On the 11th of June, 1918, a severe wind sweeping down the Niagara river, blew down and seriously injured about one hundred trees on Goat Island, five in Prospect

Park, and twenty on the Riverway. The Commission were without facilities economically to use this wood, which was specially valuable because of the scarcity of fuel, and it was determined that its President should communicate with the Attorney-General regarding its power in the premises, whereupon he addressed to that official the appended letter, to which is annexed the reply of the Attorney-General.

The Commission at once procured a portable saw, and as rapidly as the other work upon the reservation grounds permit, is having the decayed and fallen trees cut up, and will endeavor to market the wood, remitting the proceeds to the State Treasurer.

In this connection the Commission calls attention to the immediate necessity of the employment by the State of a competent forester to survey and indicate what, if any, trees should be removed for the benefit of the entire forest on Goat Island and the State Reservation, and what remedial steps successfully can be taken to save from premature decay many trees which are now approaching their maturity. Such a forester, entrusted with the work with the aid of a small number of competent assistants, at a comparatively insignificant expense to the State, greatly would improve not only the appearance of the State's property at the Reservation, but largely increase its value. The necessity of this we earnestly press upon the attention of the Legislature.

It may be interesting to you to know that Sir Joseph Hooker, the great English botanist, affirmed that he found on Goat Island a greater variety of vegetation within a given space than he had found in Europe or in America, and that his statement was confirmed by Dr. Asa Gray, our eminent American botanist. Frederick Law Olmsted, one of the most notable landscape artists of the world, said that he had followed the Appalachian chain almost from end to end, and traveled on horseback in search of the picturesque over four thousand miles of the most promising parts of the continent, without finding elsewhere the same quality of forest beauty which was once abundant about the Falls, and which is still to be found on those parts of Goat Island where the original growth of trees and shrubs has not been disturbed. A calcareous soil, enriched with an abundance of organic matter like that of Goat Island, saturated by the mists from the Falls,

furnishes a region of notable forest fertility, and of the 170 species of trees and shrubs found in New York, no less than 140 can be found upon the State Reservation. In addition to trees and shrubs there are 909 species of plants to be found on the Reservation, of which 758 are native, and 151 foreign. It goes without saying that the Legislature owes a duty to the State and the Nation to see that so unique a possession is jealously guarded and carefully preserved.

THE INTAKE OF THE CATARACT HOUSE AND THE APPLICATION OF THE EMPIRE POWER COMPANY TO DIVERT THE WATER OF THE RIVER ABOVE THE FALLS

The alleged rights of the proprietors of the Cataract House to divert the water of the Niagara river above the Falls has for years been the subject of difference between them and the Commissioners of the Reservation, the proprietors insisting that they were possessed of such rights; the Commissioners contending that they did not exist. At a meeting of the Commission, held at Niagara on the 26th of April, 1918, the Empire Power Company, a corporation claiming to have succeeded to the rights of the owners of the Cataract House, asked permission to enlarge the intake of the waters of the river used by the proprietors of that house in order that it, the Empire Company, might develop electric energy upon a considerable scale, provided it could obtain the consent of the Federal Government to the diversion of the water, and that of the Public Service Commission to conduct business. They were granted an extended hearing, and after a full discussion it was determined by the Commission that its President should communicate with the Attorney-General relative to the matter, and endeavor to obtain a definite opinion from him as to the rights of the owners of the Cataract House, and the power of the Commission in the premises. This action was taken not because of any substantial doubt in the minds of any member of the Commission as to the dominant rights of the State, but in the hope that an authoritative opinion by the Attorney-General permanently would settle the differences heretofore alluded to, and thus hereafter avoid a recurrence of applications relative to

said International Railway Co. shall execute, upon demand, an acceptance of the terms hereof, and such transfer of said track and overhead construction as may be required by this Commission, and shall pay a license fee of $100 annually so long as this license shall continue."

And subsequently, and at the meeting of the 24th of July, 1918, the following license was executed by the Commissioners:

"*Know all men,* That the Commissioners of the State Reservation at Niagara hereby license the International Railway Company (successor to the Niagara Falls and Suspension Bridge Railway Company) to use the additional street railway connecting tracks and overhead work, which have been or presently are to be constructed on the Riverway in the State Reservation at Niagara, pursuant to a resolution of the Commissioners of the State Reservation at Niagara duly adopted April 26, 1918, a copy of which resolution is hereto attached."

The said additional connecting tracks and overhead work may be used in carrying on the business of the said Railway Company, and for the purpose of providing additional and improved terminal facilities for visitors to the State Reservation.

This license is revocable and terminable absolutely at and in the discretion of the said Commissioners of the State Reservation at Niagara, and their successors in office and it is also subject to all the other terms and conditions set forth in the said resolution, adopted April 26, 1918, and the said Commissioners may at any time in their discretion alter, amend or add to the terms and conditions of this license.

The said Railway Company shall pay a license fee of $100 annually, so long as this license shall continue.

This license is subject to the approval and consent of the Commissioners of the Land Office of the State of New York, as provided in section 108 of the Railroad Law, as amended by chapter 710 of the Laws of 1899.

In witness whereof, the said Commissioners have caused this instrument to be signed by the president of said Commission and have also signed this instrument as such Commissioners this 24th day of July, 1918.

COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA,
By,

A. T. CLEARWATER,
President.

A. T. CLEARWATER,
Commissioner.

T. W. MEACHEM,
Commissioner.

ANSLEY WILCOX,
Commissioner.

PAUL A. SCHOELLKOPF,
Commissioner.

THE INTERNATIONAL HOTEL PROPERTY

The destruction of the International Hotel by fire probably has made possible the procurement by the State of the title to a portion of that property, and of the land adjacent to the Cataract House at a far more reasonable figure than ever heretofore has been possible. The Commissioners are decidedly of the opinion that the acquisition of this land is advisable, and they call the matter to the attention of the Legislature in order that it may determine what, if any, steps should be taken in the immediate or near future in that behalf.

It is hardly necessary that in submitting this report the Commission should enlarge upon the incalculable value of the State and the Nation of the State's Reservation at Niagara, which not only is majestic in its absolute perfection, but forms that rarest of combinations, the union of the beautiful with the sublime.

All of which is respectfully submitted.

ALPHONSO T. CLEARWATER,
GEORGE J. MEYER,
PAUL A. SCHOELLKOPF,
ANSLEY WILCOX
ROBERT W. DeFOREST,
Commissioners.

APPENDIX A

LAWS OF NEW YORK. CHAP. 596.

AN ACT to authorize the consolidation of Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls.

Became a law May 10, 1918, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls, each being a corporation organized and existing under and by virtue of the laws of the state of New York, may, notwithstanding the requirements of any other law, consolidate such corporations into a single new corporation in the manner and with the effect specified in respect of consolidations in chapter four of the consolidated laws known as the business corporations law. The capital stock of said new corporation so formed may be issued as preferred stock or as common stock or both. The common stock may be issued in shares, but the aggregate par value of all shares either preferred or common, issued with a par value, shall not exceed but may equal the aggregate of the outstanding capital stocks and the surpluses, unimpaired reserves and undivided profits of said corporations so consolidated, as shown by their reports and books. The consolidation of such corporations and the issue of such new stock shall be subject to the approval of the public service commission of the second district. The shares of capital stock of said new corporation formed by such consolidation may be distributed among the stockholders of said corpora-

tions so consolidated in such proportions and so classified as may be provided in the joint agreement of consolidation. Upon the consolidation of such corporations, the public services to be performed and rendered by the consolidated corporation shall be subject to the provisions of the public service commissions law, and be under the supervision and control of the public service commission having jurisdiction in the territory where such services are rendered.

§ 2. This act shall take effect immediately.

APPENDIX B

LAWS OF NEW YORK. CHAP. 597.

AN ACT authorizing any new corporation constituted by the consolidation of Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls, efficiently to utilize any water by it lawfully diverted from the Niagara river.

Became a law May 10, 1918, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any new corporation constituted by the consolidation of Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls, and the successors and assigns of such new corporation, for the purpose of securing an efficiency of not less than nineteen horsepower per cubic foot per second of water diverted, in the use of any waters which such new corporation as successor to the rights heretofore granted to any of such corporations may lawfully divert from the Niagara river for the development of power, may reconstruct, alter, enlarge and improve its works, canals, tunnels and plant, or any part thereof, and may construct new works, canals, tunnels and plant, through which it may utilize any of such waters. To such ends such new corporation may exercise all the powers heretofore or hereafter conferred upon either or all said corporations so consolidated, provided, however, that nothing herein contained shall authorize such new corporation to divert from the Niagara river any water in excess of the amount heretofore authorized by the state of New York in respect of the corporations so consolidated. Provided further that if the corporation constituted by such consolidation shall divert from the

Niagara river for power purposes more than fifteen thousand one hundred cubic feet per second, there shall be reserved to the state the right to charge an equitable rental therefor in such amount and in such manner as shall hereafter be provided by law; and provided further that nothing in this act shall be construed as giving the right to discharge water into the Niagara river at a point more than one thousand feet below the lowest point of discharge into such river by any of the corporations so consolidated as now fixed. Nothing in this act shall be construed to waive or alienate any right now vested in the state as to waters now being diverted by any of such corporations so consolidated, or to compensation for said rights.

§ 2. This act shall take effect immediately.

APPENDIX C

STATE OF NEW YORK — PUBLIC SERVICE COMMISSION — SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the City of Albany, on the 24th day of October, 1918.

Present: Charles B. Hill, Chairman, Frank Irvine, Thomas F. Fennell, Jerome L. Cheney, Commissioners.

Case No. 6453.— In the matter of the proposed consolidation of the Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls.

Case No. 6614.— In the matter of the joint petition of Cliff Electrical Distributing Company, The Niagara Falls Power Company, and Hydraulic Power Company of Niagara Falls, under chapter 596 of the Laws of 1918, for approval of the consolidation of said companies into a new corporation to be named The Niagara Falls Power Company, and for approval of the issuance of $26,000,000 capital stock (common and preferred) by said new corporation.

Case No. 6453.—Hearings held April 24, May 2 and 16, June 26 and September 5 and 12, 1918. Correspondence file .001. Hearing held before the Governor May 9, 1918.

Case No. 6614. Petition filed October 16, 1918.

Copy of Joint Agreement of Consolidation filed October 16, 1918. Hearing held October 24, 1918.

Now, therefore, upon the foregoing record, ordered as follows:

1. That, pursuant to chapter 596 of the Laws of 1918, the joint agreement of consolidation dated September 20, 1918, of the Cliff Electrical Distributing Company, The Niagara Falls Power Company, and Hydraulic Power Company of Niagara Falls is hereby approved.

2. That the capitalization which The Niagara Falls Power Company, the new corporation, may issue under the aforesaid joint agreement of consolidation is as follows:

(a) Preferred capital stock of the par value of $11,515,000; said stock to be entitled to receive 7% cumulative dividends from October 1, 1918, in accordance with the provisions set forth in said agreement.

(b) Common capital stock of the par value of $14,484,600.

3. That The Niagara Falls Power Company is hereby authorized to issue $26,000,000 par value of its capital stock, $11,515,400 of which shall be classified as 7% cumulative preferred capital stock and $14,484,600 shall be classified as common capital stock.

4. That the issue and distribution of the stocks of The Niagara Falls Power Company herein authorized to be issued under said joint agreement of consolidation shall be as follows:

Preferred Stock	Common Stock	To be distributed ratably among the stockholders of the:
.....	$540,000 00	Cliff Electrical Distributing Company for the 5,000 shares of the stock of that company of the par value of $100 each.
$11,515,400 00	984,566 70	The Niagara Falls Power Company for the 57,577 shares of the stock of that company of the par value of $100 each.
.....	12,960,000 00	Hydraulic Power Company of Niagara Falls for the 120,000 shares of the stock of that company of the par value of $100 each.
$11,515,400 00	$14,484,566 70	

5. That The Niagara Falls Power Company shall for each six months period ended December 31 and June 30 file not more than thirty days from the end of such period a verified report which shall show:

(a) What stock has been distributed during such period in accordance with the authority contained herein.

(b) The date of such distribution.

(c) To whom such stocks were distributed together with the actual distribution thereof to the participants under said joint agreement.

Such reports shall continue to be filed until all of such stocks shall have been distributed in accordance with the authority contained herein, and if during any period no stocks were distributed the report shall set forth such fact.

6. That immediately upon the consummation of such consolidation herein authorized and approved The Niagara Falls Power Company shall file with this Commission an affidavit setting forth the exact date when such consolidation was fully and finally consummated.

7. That within six months from the date of this order the consolidated corporation, The Niagara Falls Power Company, shall submit to this Commission for approval a detailed allocation of the cost to it of the properties of the three companies herein authorized to be consolidated, which approval must be obtained before such allocation is spread upon the books of the petitioner.

8. That the consolidated corporation, The Niagara Falls Power Company, shall within a reasonable time after the consummation of the consolidation herein proposed file with the Commission all such annual or other periodic reports as are or would be ordinarily required of the companies forming such consolidation.

9. That the authority contained in this order to consolidate and to issue stock is upon the express condition that the new corporation accepts and agrees to comply in good faith with the provisions hereof, and before any stock is issued pursuant hereto and within thirty days of the service hereof, the said new corporation shall file with the Commission a satisfactory verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect unless such stipulation shall be filed as last above provided.

By the Commission,

[SEAL] (Signed) FRANCIS X. DISNEY,
Secretary.

APPENDIX D

LETTER OF PRESIDENT CLEARWATER TO THE ATTORNEY-GENERAL RELATIVE TO INTAKE OF CATARACT HOUSE

"THE COMMISSIONERS OF THE
STATE RESERVATION AT NIAGARA,

KINGSTON, NEW YORK, *May* 6, 1918.

To HON. MERTON E. LEWIS, *Attorney-General, Albany, New York:*

MY DEAR SIR.— The Empire Power Company, a corporation recently formed, and claiming to have succeeded to the rights of the owners of the Cataract House at Niagara Falls, has asked the consent of the Commissioners of the State Reservation at Niagara to enlarge the intake of the waters of the Niagara river used by the proprietors of that house in order that it, the Empire Company, may develop electric energy upon a considerable scale, peradventure it can obtain the consent of the Federal government to the diversion of the water, and that of the Public Service Commission to conduct business. The Commission have expressed to the company the opinion that they are destitute of power to give this consent. In view, however, of the importance of the question the matter is referred to you for your opinion upon this question of power. On the condemnation by the State to acquire title to the lands which now constitute the reservation, had before the Honorables Luther R. Marsh, Matthew Hale and Pascal P. Pratt, Commissioners of Appraisal, in 1883 and 1884, the Commissioners of the Reservation adopted resolutions, substantially copies of which I enclose.

I assume that all the records of the Commissioners of Appraisal are on file in your office. If that be so, you will find the reference to the Cataract House property on

pages 218, 219, 220 and 221 of volume I of the evidence taken before them. In addition, I call your attention to the final order confirming the award of the Commission entered on the 27th day of October, 1884, particularly as to Parcel 31. This order I assume you have.

Will you, therefore, kindly advise the Commission at your earliest convenience as to whether in your opinion they have the power to grant the request of the Empire Company.

Respectfully,

(Signed) A. T. CLEARWATER,

President."

APPENDIX E

LETTER OF THE ATTORNEY-GENERAL TO PRESIDENT CLEARWATER RELATIVE TO THE INTAKE OF THE CAARACT HOUSE

"STATE OF NEW YORK,
OFFICE OF THE ATTORNEY-GENERAL,

ALBANY, *June* 21, 1918.

Hon. ALPHONZO T. CLEARWATER, *President State Reservation at Niagara, Kingston, N. Y.:*

DEAR SIR.—I have no hesitancy in advising you that the Commissioners of the State Reservation at Niagara have not authority to permit the Empire Power Company to enlarge the intake of the waters of the Niagara river heretofore used by the owners of the Cataract House at Niagara Falls. This company you state intends to develop electrical energy on a large scale and market the same.

From time to time this office has been requested by your Commission to express its views in regard to the diversion of waters across the reservation by the Cataract House owners and we have been consistent in advising you that whatever permits or licenses the Commission granted to such owners to lead water over the lands of the reservation were and of necessity had to be revocable at the will of the Commission. We saw no harm or any use of the reservation inconsistent with the purposes for which it was established in allowing a hotel (accustomed to accommodate large numbers of visitors to the reservation) to maintain for hotel purposes and under revocable permit a small raceway or pipe line over reservation lands.

The present project, however, takes on a more permanent character and evidences an intent to secure the use of the

waters and the reservation lands *in the business* of distributing water power or energy developed therefrom. Your letter indicates that if permission is granted to the Empire Power Company to enlarge the intake, it will, after obtaining a permit from the Secretary of War, proceed to divert the waters of the Niagara river for extensive power purposes. We have been unable to find that this company or its predecessors have ever, since the appropriation of the riparian lands for the State reservation, received a franchise from the Legislature to divert the waters of the river; and whatever rights existed prior to the taking of these lands for the reservation were in our opinion all appropriated and paid for by the State in condemnation proceedings.

Since the Empire Power Company is not possessed of any franchise to take waters from the Niagara river, you have not the power to authorize an act on the State reservation (such as the enlargement of the intake for power purposes) which will recognize or conduce to a recognition of an existing franchise in the company to divert the waters of the river for power purposes.

At present the State of New York, as you perhaps know, is very much concerned over and is actively opposing attempts by the Federal government to assume the exclusive control over the use of the waters of the Niagara river for power purposes. Your Commission should not permit any act, and is not vested with authority to permit any act, which challenges the State's jurisdiction over the diversion and use of the waters, and this you would be doing by permitting persons who have not a franchise from the State to divert for power purposes, to erect structures, to accomplish a diversion of the waters for such purposes.

Of course the Legislature can augment your powers and authorize you to issue and make permanent a license to maintain waterways or structures on the State Reservation, as it did in 1908 (chap. 243) when it permitted the Commission to grant to the city of Niagara Falls a license to construct and maintain a sewer and a water main (1912, chap. 236) through and along the lands of the State Reservation.

Until you receive legislative sanction, however, you are powerless in my judgment to permit the enlargement of the intake for the purpose for which that enlargement is now desired.

Yours very truly,

MERTON E. LEWIS,

Attorney-General.

By C. T. DAWES,

Deputy."

APPENDIX F

LETTER OF PRESIDENT CLEARWATER TO THE ATTORNEY-GENERAL RELATIVE TO DECAYED AND FALLEN TIMBER

"THE COMMISSIONERS OF THE
STATE RESERVATION AT NIAGARA,

KINGSTON, NEW YORK, *June* 22, 1918.

To Hon. MERTON E. LEWIS, *Attorney-General, Albany, New York:*

MY DEAR SIR.— On the night of the 11th instant, a severe wind, sweeping down the Niagara river, blew down and seriously injured one hundred trees on Goat Island, five in Prospect park, and twenty on the riverway of the State Reservation at Niagara, including many of the largest and finest trees on the west and southwest side of Goat island. Owing to the limited appropriation placed at the disposal of the commissioners at the Reservation by the Legislature, we are greatly embarrassed by the effects of this tornado. The force in our employ is too small to remove the fallen timber, and at the same time properly care for the Reservation ground. We have no way of using the wood which might be salvaged on the Reservation itself. If it be permissible, we can probably have this wood cut and cleared away in exchange for the wood itself, but I have some doubt whether we are at liberty to do this under the provisions of section 104 of the Public Lands Law or any other Legislative enactment, and as to whether we have this power I shall be glad to have your opinion.

In addition and along the same line, I beg to say that in Prospect park there are many old black walnut trees, a number of which, owing to the prevalence of high winds in that locality, have lost nearly all their top branches.

Some of them well could be spared. They have good trunks and as the federal government is greatly in need of black walnut wood for gun stocks and similar purposes I shall be glad to have your opinion whether we would be justified in removing such trees as properly can and should be removed, and whether we have the power to turn the wood over to the federal government for national use.

Respectfully,

A. T. CLEARWATER,
President of the Commission."

APPENDIX G

LETTER OF ATTORNEY-GENERAL TO PRESIDENT CLEARWATER RELATIVE TO DECAYED AND FALLEN TIMBER

"STATE OF NEW YORK,
OFFICE OF THE ATTORNEY-GENERAL,

ALBANY, *June* 26, 1918.

Hon. A. T. CLEARWATER, *Kingston, N. Y.:*

DEAR SIR.—Receipt is acknowledged of your letter of June 22d in which you put two questions in regard to the administration of the State Reservation at Niagara. You ask whether or not certain fallen timber on the Reservation may be sold by the commissioners, and secondly, whether or not certain standing or damaged old black walnut trees may be sold to the federal government for use in making gun stocks.

In my opinion, you are entitled to sell this fallen timber under the provisions of section 104 of the Public Lands Law. This provides that

> "Such board shall sell and cause to be removed from such reservation all structures, machinery and materials thereupon belonging to the state, not required to afford free and convenient access to such reservation, nor for restoring the scenery of the Niagara Falls to and preserving it in its natural condition."

Fallen timber is no longer realty, but becomes personalty. Therefore, in my opinion it comes within the definition of 'materials.' You are not restricted by the provisions of section 56 of the Conservation Law, under which certain powers are given to the Conservation Commission over State reservations since this section is limited to reservations where 'custody and supervision' has not been committed by law to any other State officer or State officers as these are defined in section 2 of the Public Officers Law. In an

opinion of the Attorney-General printed at page 113 of the report for 1912, it was held that the Commissioners of the Niagara Reservation are State officers. It is true you have, under section 102 of Public Lands Law 'control and management' of the Reservation instead of the 'custody and supervision' mentioned in section 56 of the Conservation Law. However, this is immaterial, since the sense of the two provisions is the same, and I believe your powers in the particular instance are exclusive.

This conclusion results in withholding from you the power to sell the standing timber as part of the realty. It has often been held by this Department, that within constitutional limitations, power to dispose of State property rests in the Legislature until delegated to public officers by statute. Since there is no statute permitting you to sell this standing timber, I am of the opinion that you are without such power. It may be, however, that the federal government, under its war powers, has authority to appropriate this timber, and pay the State for the same. This, however, is a federal question upon which I hesitate to pass any opinion.

Very truly yours,

MERTON E. LEWIS,

Attorney-General

By GEORGE A. FISHER,

Second Deputy.

APPENDIX H

BEFORE THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE OF REPRESENTATIVES

Brief submitted by the Committee appointed by the Governor to oppose H. R. 11,871, by Mr. Flood, entitled

"A BILL for the control and regulation of the use of boundary waters of the United States for power purposes, and for other purposes."

CREATION OF THE COMMITTEE

On May 21, 1918, the Governor of the State of New York addressed the following letter to each of the United States Senators from New York:

May 21, 1918

MY DEAR SENATOR: I am informed that a hearing will be held on Thursday morning of this week before the House Committee on Foreign Affairs, on the so-called Flood Bill, for the control and regulation of the use of boundary waters of the United States for power purposes and for other purposes — being H. R. 11,871.

The people of the State of New York have not to any extent learned of the provisions of the bill. They are not aware of the fact that a large potential source of revenue, the property of all the people of the State, is being appropriated by the Federal Government without compensation.

For upwards of half a century the highest courts of this State have constantly upheld the right of the State to control and regulate the great water powers of the Niagara and St. Lawrence rivers. This right has been sustained by the Supreme Court of the United States.

The water power of the State of New York, derived from its boundary waters, is one of its most valuable assets. Over one-half of the total water power of the State is derivable

from its boundary waters, and it is held by the State for the benefit of its citizens.

I recommended to the Legislature at the last session the passage of suitable legislation to enable the State to utilize the undeveloped water powers and the appointment of a commission to market the power thus created. This power could be made available to all the people of the State through long distance transmission lines, to the great benefit of the citizens and a large revenue to the State.

The bill would authorize the Secretary of War to take the property of the people of the State of New York, without compensation, and give it to such licensees as he may select. Under its provisions the Secretary of War may make any annual charge for its use, and the sums derived therefrom shall be expended under his direction and in his discretion exclusively for Federal purposes.

It is apparent that by reason of the charges imposed by the Secretary of War, the price of power to users in the State of New York will be increased. The Federal charge will not fall upon the power companies, but upon the consumers. Thus, while the people are being deprived of their resources, they at the same time will be compelled to bear an additional burden.

The State as you know has cooperated with the Federal Government in every possible way to bring about a successful prosecution of the war. It is said that the bill is a war measure. I submit, however, that the appropriation of the State's property has no relation to the waging of the war as the bill provides for a leasing of power on all boundary streams of the State for a period of fifty years, with a privilege of renewal. To provide that the property of the State shall be leased for so long a period indicates that it is not strictly a war measure.

I do not admit that the Federal Government has any power to permit its licensee to condemn the the State's property, as provided in this bill. Even the State reservation at Niagara Falls would be subject to this peril, under its provisions. The powers vested by the bill in the Secretary of

War are not the subject of review, either by the courts, or Congress, or even by the President.

The question involved is a vital one to the people of this State. That question is whether or not the State will surrender rights of incalculable importance which it has exercised unchallenged for over half a century, and turn over to the Federal Government not only the possible revenue to be derived therefrom but the control of the method of development.

I say without hesitation that the State will continue to do everything in its power to carry out any plans of the Federal Government to obtain additional power.

At the request of the War Department the Legislature passed and I approved a bill permitting the consolidation of certain power companies at Niagara Falls, the result of which consolidation, I am informed by the War Department, will be to produce many thousand additional horse power.

There is no reason, however, for depriving the State of its property in order to obtain additional power, and there is no need of the passage of legislation so opposed to the sovereign right of the State.

It is my purpose to appoint a committee to protect the State's rights at the hearing, and I, therefore, suggest that owing to the short notice, you request that it be adjourned for a reasonable time — say a period of two weeks.

With kindest personal regards, I remain,

Very truly yours,

CHARLES S. WHITMAN.

When the Governor received word that a committee would be given an opportunity to be heard on June 4th, he immediately appointed the following committee, which submits this brief:

Nathan L. Miller (Chairman), George Clinton, William W. Cocks, William N. Dykman, Martin H. Glynn, D-Cady Herrick, Willis Sharpe Kilmer, Merton E. Lewis, Franklin B. Lord,

Louis Marshall, William Fellowes Morgan, William Nottingham, Morgan J. O'Brien, E. H. Outerbridge, Alton B. Parker, George D. Pratt, Francis M. Scott, R. A. C. Smith, Arthur E. Sutherland, Ansley Wilcox.

THE BILL

The purpose of this hill is to vest in the Federal Government the exclusive right to dispose of the water in boundary streams to be used to generate power.

It is a vital question to the people of the State of New York and affects not only the Niagara river, but the St. Lawrence river as well. Half of the hydraulic power within the boundaries of the State of New York is derivable from these two rivers.

It gives to the Secretary of War the absolute supervision and regulation and authorizes his licensees to condemn property anywhere in the State of New York for the purpose of power development or transmission lines.

While there are many provisions of the bill which the committee might criticise, it prefers to base its objection to the bill on the impairment of the State's sovereign right to use the waters passing over the bed of a boundary stream, the title to which bed is in the State of New York.

The courts have frequently held that the title to the beds of boundary streams is in the State, subject to the servitude in respect to navigation, paramount authority over which is vested in the Federal Government by the Constitution.

Morover, the State, by reason of its ownership of the State reservation at Niagara Falls, occupies an unassailable strategic position as riparian owner at the vital point of the fall.

FEDERAL LEGISLATION RELATING TO CONTROL OF DIVERSION OF WATER FOR POWER PURPOSES AT NIAGARA FALLS

From the earliest times up to 1906, when the Burton act was passed, the State of New York exercised exclusive jurisdiction over the diversion of the waters of the Niagara river for power purposes.

In 1906 Congress passed the so-called Burton Law (approved June 29, 1906), for the control and regulation of the waters of

the Niagara river, for the preservation of Niagara Falls, and for other purposes. This act prohibited the taking of water from the Niagara river for a period of three years except upon revocable permits issued by the Secretary of War. Its provisions were from time to time extended up to and including the year 1913, when an attempt was made to pass legislation which would in effect make permanent the provisions of the Burton act. The passage of such legislation was successfully opposed by officials of the State of New York and the Burton act became inoperative by its own terms.

Under the Burton act the Secretary of War issued the following permits:

To the Niagara Falls Power Company, 6,500 cubic feet per second.

To the Hydraulic Power Company, Niagara Falls, 8,600 cubic feet per second.

To the Lockport Hydraulic Co., 500 cubic feet per second.

Although the Burton act expired in 1913 the companies continued to divert water under their State grants.

Congress, in January, 1917, by joint resolution (Resolution No. 45 of the Sixty-fourth Congress), authorized the Secretary of War to issue temporary permits for the diversion of additional waters at Niagara Falls up to and including July 1, 1917.

On June 30, 1917, another resolution was passed, continuing in full force Resolution No. 45 of the 64th Congress above referred to until July 1, 1918; so that on July 1st next the control of the Secretary of War over the diversion of water in the Niagara river will cease, unless some action be taken by Congress.

In 1910 a treaty was ratified with Great Britain, which provided that there might be diverted within the State of New York of the waters of the Niagara river above the falls of Niagara for power purposes not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet per second. The United Kingdom, by the Dominion of Canada or the Province of Ontario, might authorize and permit a diversion within the Province of Ontario of the waters of said river above Niagara Falls for power purposes not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of water per second. The diversion of

any other boundary streams was to be equally shared by the two governments. This latter provision would apply to the St. Lawrence river and the Niagara river below the falls of Niagara.

On several occasions the officials of the State of New York have appeared before committees of Congress to oppose the passage of bills similar to the one under consideration. This committee requests that all statements and arguments made on behalf of the State of New York on such occasions be included in and considered as a part of this brief.

Thecommittee refers specifically to the statements made at hearings held on January 23 and 24, 1913, before the Committee on Foreign Affairs of the House of Representatives, and to the remarks of the then Attorney-General of the State of New York; the statement of Hon. James A. O'Gorman, United States Senator from the State of New York; the statement of George E. Van Kennan, chairman of the Conservation Commission; and the statement of the counsel to the Conservation Commission.

The committee also refers to the statement made at the hearing on H. R. 2498 on February 9, 1914, by Hon. Henry P. Velte, Hon. Martin H. Glynn and Hon. Charles A. Towne.

The committee also submits herewith a memorandum of authorities submitted in 1913 to the Committee on Foreign Affairs by the then Attorney-General of the State of New York.

STATE LEGISLATION PERMITTING THE DIVERSION OF WATER FOR POWER PURPOSES FROM THE NIAGARA RIVER AND ST. LAWRENCE RIVER

Prior to the passage of the Burton act, the State, exercising exclusive jurisdiction over the diversion of water, passed the acts hereinafter set forth:

The Hydraulic Power Company of Niagara Falls was organized on or about May 6, 1878, under the Business Corporation Law (chapter 611, Laws of 1875) to utilize and develop water power in the village of Niagara Falls in connection with the hydraulic canal which was built about 1857.

As a result of the opinion of the Attorney-General (Attorney-General's report for 1895, page 322) that the State held propri-

etary title not only to the bed of the river but to the waters flowing over it, and that this company as a riparian owner was limited to the use thereof for "personal uses solely," and not for manufacturing purposes, and that, in any event, its riparian rights did not include the right to transmit water or power produced therefrom to locations far removed from the riparian property, the company secured the enactment of chapter 968 of the Laws of 1896, entitled "An act confirming and defining certain riparian rights of the Niagara Falls Hydraulic Power and Manufacturing Company." Pursuant to the provisions of this act the company was allowed to take all the water that could be carried by a canal 100 feet wide and 14 feet deep.

The first authorization by special act of the Legislature for the diversion of water from the Niagara river was made by chapter 83 of the Laws of 1886, which chartered the Niagara Falls Power Company, which was known at that time as the Niagara River Hydraulic Tunnel Power and Sewer Company of Niagara Falls.

The charter as amended up to the present time provides for the right to use sufficient water to develop 200,000 horse power. (Chap. 513, Laws 1892.)

Pursuant to the provisions of chapter 596 of the Laws of the State of New York for the year 1918, the Niagara Falls Power Company and the Hydraulic Power Company of Niagara Falls were permitted to consolidate and by virtue of the provisions of chapter 597 of the Laws of the same year the Legislature of the State of New York granted to the new corporation so formed the right to use the full 20,000 cubic feet per second provided for by the treaty, with the reservation that if it used more than 15,100 cubic feet per second, the State should be entitled to charge an equitable rental therefor in such manner as might be provided by law. This 15,100 cubic feet per second was the total amount which was authorized to the consolidating companies by the Secretary of War during the existence of the Burton act.

The Niagara County Irrigation and Water Supply Company was incorporated by chapter 259 of the Laws of 1891. This enterprise has never been carried toward completion to any appreciable extent, and no water has been diverted.

The Niagara Power and Development Company was incorporated by chapter 707 of the Laws of 1893, which was amended by chapter 95 of the Laws of 1894, chapter 605 of the Laws of 1894, chapter 754 of the Laws of 1894, and chapter 920 of the Laws of 1895. No construction work has been commenced by this company.

The Niagara, Lockport and Ontario Power Company was incorporated by chapter 722 of the Laws of 1894. As construction work had not been commenced in 1904, it probably forfeited its charter under the provisions of the act.

There was no limitation upon the amount of water which the three last above mentioned companies might divert.

The Lower Niagara River Power and Water Supply Company was incorporated by chapter 539 of the Laws of 1902. The company was authorized to develop 200,000 horse power by utilizing the fall in the gorge below the falls, but it has never commenced work on any plant to utilize its grant.

There are no outstanding charters in the St. Lawrence river granted by special act of the Legislature.

The Long Sault Development Company was incorporated and received its franchise by reason of the provisions of chapter 355 of the Laws of 1907, entitled "An act to incorporate the Long Sault Development Company and to authorize said company to construct and maintain dams, canals, power houses and locks at or near Long Sault Island, for the purpose of improving navigation of the St. Lawrence river and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities."

This act was held to be unconstitutional by the Court of Appeals (212 N. Y. 1), and the act of 1907 was repealed by chapter 452 of the Laws of 1913.

The opinion of the Court of Appeals was commented on favorably by the Supreme Court of the United States (242 U. S. 272, at page 280).

At Waddington, N. Y., the New York & Ontario Power Company, by reason of its alleged riparian ownership on Little river, claims the right to develop water power from St. Lawrence river to the extent of about 30,000 horse power, but no right to the use

of the bed of the stream by such company has ever been granted by the State of New York.

Prior to 1906 the companies diverting water for power purposes on the Niagara river were not required to obtain any authorization from the Secretary of War, or any other Federal authority, and the entire control over the use of the water for power purposes was vested in the Legislature of the State of New York and had been exercised by the acts heretofore referred to. Furthermore, the Legislature by numerous other acts authorized the diversion of water for canal purposes to private companies as early as 1798.

THE STATE'S CLAIM TO JURISDICTION OVER THE DIVERSION OF WATER FOR POWER PURPOSES ON BOUNDARY STREAMS

The effect of the treaty with Great Britain was to leave the State of New York in a position to continue to assert its legal rights and those of its citizens to the water authorized to be diverted by the treaty.

There was no necessity for congressional action after the ratification of the treaty to release to the State the surplus waters, subject to the jurisdiction and control of the Federal Government over the river for the purposes of navigation, commerce and defense.

The authority of the Federal Government over these waters is derived exclusively from the powers surrendered by the State when it ratified the Constitution of the United States.

This Federal authority is purely a sovereign power for specific public uses and does not carry any proprietary or sovereign right except those above referred to. All other title, interest and control over the river, belongs to and is vested in the State of New York or in the individual riparian owners, or both, and the Federal Government has no legal authority or power, either judicial or legislative, to fix or determine the use of the waters as between the State and such individual owners.

The Supreme Court of the United States, in the case of *Martin v. Waddell,* 18 Pet. 367, held that when the American Revolution was concluded the people of each State became sovereign and in that character held the absolute right to all their navigable waters

and the soils under them, for their common use, subject only to the rights since surrendered by the Constitution to the General Government.

In the case of *Hardin* v. *Jordan,* 140 U. S. 371, the court, in speaking of the title to the shore and lands under the waters of navigable streams, said:

> "Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with the regulations which may be made by Congress with regard to public navigation and commerce."

This principle maintained from the earliest period by the United States Supreme Court and succinctly stated in *Water Power Company* v. *Water Board,* 168 U. S. 358, namely, that subject only to the Federal right of control under constitutional authority to regulate navigation and commerce, all the rights of ownership and beneficial use of the beds and waters of navigable streams have remained in the states, has been followed consistently (*Illinois Central Ry.* v. *Illinois,* 146 U. S. 387; *Kansas* v. *Colorado,* 206 U. S. 46; *United States* v. *Chandler Dunbar Co.*, 229 U. S. 53) and has but recently been reiterated in *United States* v. *Cress,* (March 12, 1917), 243 U. S. 316, 319:

> "The States have authority to establish for themselves such rules of property as they may deem expedient with respect to the streams of water within their borders both navigable and non-navigable, and the ownership of the lands forming their beds and banks (*Barney* v. *Keokuk,* 94 U. S. 324, 338; *Packer* v. *Bird,* 137 U. S. 661, 671; *Hardin* v. *Jordan,* 140 U. S. 371, 382; *Shively* v. *Bowlby,* 152 U. S. 1, 40, 58; *St. Anthony Falls Water Power Co.* v. *St. Paul Water Commissioners,* 168 U. S. 349, 358), subject, however, in the case of navigable streams, to the paramount authority of Congress to control the navigation so far as may be necessary for the regulation of commerce among the States and with foreign nations (*Shively* v. *Bowlby,* 152 U. S. 1, 40; *Gibson* v. *United States,* 160 U. S. 269, 272; *Scott* v. *Lattig,* 227 U. S. 229, 243; * * *"

The proposed Flood bill assumes to draw unto the Federal government powers additional to that over the care and improvement of navigation; and all the Federal powers over a boundary river perhaps would be asserted by the promoters of the bill to be as follows:

(1) The jurisdiction over navigation and commerce.

(2) Control of a boundary river for the purposes of national defense.

(3) Control of a boundary river to protect treaty engagements with respect to the river.

(4) Control of the river to preserve the lines fixed as a boundary.

We may lay aside without extended comment the alleged jurisdiction under (2) and (4), namely: the jurisdiction over a boundary river in the interests of national defense and the jurisdiction over such a river to keep intact the boundary line where such boundary line may run in the channel of the stream. The national defense justification is based upon its appropriate sound. Surely it cannot be urged as an excuse for this bill which authorizes a fifty-year license. As a matter of fact the Federal government would have the same jurisdiction over any stream — a boundary or not a boundary stream — were the river actually needed for national defense purposes. With respect to a change through diversion of water of a boundary line running in the middle of a channel, it may be answered briefly that such a change of boundary cannot be effected by an artificial change of the channel, the old boundary line would remain where the middle of the channel existed when the treaty was entered into (*Arkansas* v. *State of Tennessee,* 246 U. S. 158).

There is left then for discussion only the Federal power over navigation and commerce and the Federal power to protect treaty obligations relating to the use of the waters of a boundary stream. The jurisdiction of the Federal government to license the diversion of waters of a boundary stream for the purposes of power development must therefore, if it exists, be found encompassed within either one of the two foregoing powers.

We readily admit that the Federal government has a right within certain limits to control the diversion of waters of a bound-

ary river. That is, the Federal government in order to protect navigation may fix the maximum quantity of water which may be diverted from the river. It may also in adjusting international rights fix by treaty such a maximum, but as to who shall divert and for what purposes — such questions are for the State alone.

The Chandler Dunbar case (229 U. S. 53) has established the proposition that the Federal government after constructing a dam in a boundary river *in the interest of navigation* may lease any excess of power developed therefrom. The court nowhere in that opinion, however, intimates that the Federal government simply by reason of its navigation jurisdiction over a boundary stream could build a dam for power purposes only or could lease the waters for power purposes unconnected with a navigation improvement.

It is not necessary to the proper exercise of Federal jurisdiction in limiting the amount of diversion to protect navigation or treaty obligations, that the Federal government should itself issue permits, and more certainly it is not a necessary incident to Federal power to determine *who* shall use such waters or *for what purposes* such persons shall use them.

Unconnected with a navigation or treaty power, it cannot possibly be urged that Congress has a right to regulate the diversion of these waters. The Flood bill, however, attempts to do that very thing. It sets up wholly apart from navigation improvement or treaty considerations a power development plan. This, we repeat, the Federal government cannot do. So long as Congress under its paramount power over navigation does not undertake the protection or improvement of the navigation of a boundary river, a power to improve navigation in that river remains in the State. (*Passaic Bridge case,* 3 Wall. 782; *Wilsons* v. *Black Bird Marsh Co.,* 2 Peters, 250; *Gilman* v. *Philadelphia,* 3 Wall 713; *Escanaba Co.* v. *Chicago,* 107 U. S. 679; *Cummings* v. *Chicago,* 188 U. S. 410; *Union Bridge Co.* v. *United States,* 204 U. S. 364; *Montgomery* v. *Portland,* 190 U. S. 89; *Long Sault Development Co.* v. *Hall,* 242 U. S. 272), and likewise so long as Congress does not undertake to improve navigation, a power to control the use of the waters remains in the State subject of course to any limitations by treaty. It is not the possession of a navigation or a

treaty power by congress which excludes the states from their right to improve navigation or their right to use the waters, but rather it is the *exercise* of congressional power in its field of commerce or treaty which excludes the states. Surely Congress has no navigation or treaty project in contemplation under the Flood bill. It is wholly a power proposition.

VALUE OF THE NATURAL ADVANTAGE WHICH THIS BILL SEEKS TO APPROPRIATE

The cost of producing one horse-power for one year, in a project combining the total fall in the Niagara river from the falls to North Lewiston, has been estimated very many times by competent engineers. These figures vary from a little over three dollars to about five dollars per horse power per year. A steam plant of the same magnitude and with the same operating conditions could furnish power at about thirty dollars per horse power per year. It is obvious that the sale price of power generated by water will ultimately be governed by the price of power generated by steam. The measure of the natural advantage which the water power of the Niagara river affords to the region if undisturbed by Federal jurisdiction, is then the difference between thirty dollars per year per horse power and, the average, four dollars per year per horse power, or twenty-six dollars per year per horse power. With 20,000 cubic feet per second on the total fall in the river, approximately 600,000 horse power can be developed continuously. The total value of the natural advantage, is, then, $15,600,000 per year.

On the St. Lawrence river, at the Galop, Plat and Long Sault Rapids, an aggregate of about 1,000,000 horse power can be developed. The estimate by competent authority of the cost of generating power from a plant at Long Sault is six dollars per horse power per year. We will apply this rate of cost to the power produced on the entire river. As before, the measure of the value of this natural resource is the difference between the cost of steam-produced power and cost of water power, or twenty-four dollars per horse power per year. Half of the 1,000,000 horse power derivable from the St. Lawrence river, under the treaty between Great Britain and the United States, would belong to the State

of New York, and the total value of this natural resource is thus $12,000,000 per year.

Thus this bill seeks to confiscate property which ultimately must be worth to the State of New York, $27,600,000 per year, which, capitalized at six per cent, gives $460,000,000. This, then, is the present value of this natural resource to the people of the State of New York, if unimpaired by any such legislation as is proposed in this bill.

It is obvious that any charge made by the Federal government for the use of power would decrease by just that amount the enjoyment by the people of the State of New York of the use of this natural advantage.

Congress has already recognized the right of a locality situated on a water route to profit by its natural advantages, for it allowed railroads to make freight rates from the east to Pacific coast points lower than to inter-mountain territory, because of competition of the Atlantic-Pacific ocean carriers. The Interstate Commerce Commission was authorized to grant permission to a railroad to charge more for a shorter than a longer haul over the same route. Such action of the Interstate Commerce Commission was approved by the Supreme Court of the United States in the Inter-Mountain Rate Cases (234 U. S. 477).

THE STATE OF NEW YORK HAS ALREADY ENTERED UPON A COMPREHENSIVE PLAN FOR DEVELOPING ITS WATER POWER AND DERIVING A REVENUE THEREFROM.

In the fall of the year 1917 the Governor of the State of New York appointed the State Engineer, Attorney-General, Superintendent of Public Works and Conservation Commissioner, a committee to advise him on the subject of a policy in relation to the undeveloped water powers of the State.

A copy of the report of that committee follows:

December 19, 1917

"*To His Excellency,* CHARLES S. WHITMAN, *Governor of the State of New York:*

"The undersigned appointed by you as a Committee to advise on the subject of a policy in relation to the undeveloped water powers of this State, beg to report as follows:

"Your Committee has decided upon submitting to you four suggestions, the first two of which, while concrete in themselves, necessarily have a direct bearing upon the third, and in the opinion of your Committee should be effected in order to permit of a proper and certain accomplishment of the third suggestion.

"1. To amend the Constitution so as to take from the legislature the power to grant away, by private bills, the water powers of the State.

"2. To repeal Article 7-A of the Conservation Law which provides for river regulation by storage reservoirs.

"3. The immediate passage of appropriate legislation to enable the State to develop the undeveloped water powers of the State through a Commission to be appointed by the Governor and to market the power thus developed under the direction of such Commission.

"4. The immediate passage of appropriate legislation authorizing the Superintendent of Public Works, with the approval of the Canal Board, to dispose for proper returns by lease, of surplus water power created as a result of the construction of the Barge canal.

"Attached hereto are appendices briefly setting forth the reasons for these suggestions and a detailed list of the water powers within the State, developed and undeveloped, both of private and State ownership.

"Respectfully submitted,

"(Signed) FRANK M. WILLIAMS,
State Engineer,

MERTON E. LEWIS,
Attorney-General,

W. W. WOTHERSPOON,
Superintendent of Public Works,

GEORGE D. PRATT,
Conservation Commissioner,
Chairman."

Appendix "A" is the only one of the appendices referred to in the report which is pertinent to the matters under discussion, and reads as follows:

"APPENDIX A.

"If the State is to develop its water powers and dispose of the same by appropriate leases or concessions, the power of the Legislature to grant away such water powers by private bills must be abridged by constitutional amendment. Such a law would be not only a protection to the State in the carrying out of its policies in regard to water power development, but would also be a protection to the Legislature against powerful outside interests.

"The article of the Conservation Law, known as article 7-a, was added by chapter 662 of the Laws of 1915 and provided a plan for river regulation by storage reservoirs. Several attempts were made to initiate proper proceedings under its provisions and as a result of such attempts the article was amended in certain respects by chapter 584 of the Laws of 1916. In 1916 the Glens Falls Chamber of Commerce filed a petition under this article and several hearings have been held on such petition and testimony taken. From the very inception of this proceeding doubt existed as to the effectiveness of the provisions of this article and, on December 12, 1917, the petitioner made a formal motion for leave to withdraw its petition. This motion was granted. The hearing was published for the 4th day of December, 1916, and during the past twelve months extended adjournments were had to enable the petitioner to establish the allegations of its petition with the result above stated.

"To your Committee it is apparent that Article 7-a is unworkable as well as unnecessary and may tend to embarrass the policy of the State should suggestion three of this report be adopted. In the opinion of your Committee Article 7 of the Conservation Law, entitled 'River Improvement,' gives the Conservation Commission all the power necessary to regulate the flow of rivers not only for the protection of private property but also of the public health.

"The subject submitted to your Committee presents so many questions direct as well as collateral, and the legal propositions involved are of such an intricate character that your Committee in submitting the third suggestion decided to submit it as a statement of the policy to be adopted by the State and to support it by reasons in this appendix.

"From an inspection of the data, compiled by the former State Water Supply Commission and later by the present Conservation Commission, which succeeded to all the powers and duties of the former commission — an abstract of this data is attached hereto — Appendix B — it is apparent that the water power possibilities of this State are of the greatest value and that many of them are owned by the State.

"It is a well known fact that throughout the United States three or four corporations own or control 80 per cent of the available water power sites of the country, of which 80 per cent in 1913 only 43 per cent was developed. There are various reasons for this lack of development. Some are undeveloped intentionally and some because it is impossible to get the necessary capital. Applying this to the State of New York, the development of its water power should be under the control of somebody that can command the necessary finances and has the power and resources to develop the water powers of the State to their fullest capacity. Such a body, in the case in question, is the State of New York. After the water has been impounded at the various power sites the State should, by proper legislation, be empowered to sell, lease or by other methods dispose of the power developed on the basis of a proper return to the State for definite periods but for all times retaining title to such water power. Your Committee appreciates that this will involve the State in the expenditure of large sums of money but it is confident that the people of this State will welcome the initiation of a definite policy by the State, which, under proper management, will bring in returns to the State fully commensurate with the capital to be invested.

"The requirements of the munitions industries for power, the shortage of chemicals carrying nitrogen, and the neces-

sity for the extension of our iron and steel industries by increased production of refined iron and steel, are emphasized at the present time. On the Niagara frontier the Canadian Government is withdrawing electric power generated on the Canadian side from Niagara Falls for use in their munition factories. As a result the price of the carriers of nitrogen used in the manufacture of fertilizer has more than doubled on account of the diversion of these nitrogen compounds to the explosive manufacturers. The farmers of the State are unable to obtain this, the most necessary of the fertilizers, in quantities sufficient to produce the best yields, and our cereal and vegetable crops are seriously shortened on this account. The development of the water power of the State will tend to alleviate this situation, greatly to the benefit of the farmer as well as of the State's other forms of industry.

"With regards to suggestion 4. Under the present laws the State is prohibited from disposing of any surplus water created by canal improvement. Your Committee feels that the power thus collected should be utilized by leasing under such terms and conditions as would absolutely safeguard the canal interests. The surplus power created incidentally by the construction of the canal is now being wasted. The increasing cost of maintaining our State Government is a continuing serious problem and the direct revenue to the State can be increased, without appreciable expense to it, by leasing the surplus waters."

The Governor, in his message to the Legislature in January, 1918, transmitted a copy of the report and stated that he heartily indorsed the same, and recommended that legislation should be enacted carrying out the recommendations of the committee.

CONCLUSIONS

In conclusion, the following propositions are submitted as not now being open to debate.

As an incident of sovereignty, the ownership of and dominion and sovereignty over lands under navigable waters, including tide

waters and boundary streams, belong to the respective States within which they are found, with the consequent right in the States to use or dispose of any portion thereof, subject only to the paramount right of Congress to regulate commerce, conferred by subdivision 3, section 8, article 1, of the Constitution of the United States.

Pollard v. *Hagen,* 3 How. (U. S.) 213.
Goodtitle v. *Kible,* 9 How. 471.
Den v. *Jersey Co.,* 15 How. 426.
Smith v. *Maryland,* 18 How. 71.
Weber v. *Harbor Commissioners,* 18 Wall. 57.
McCready v. *Virginia,* 94 U. S. 391.
Manchester v. *Massachusetts,* 139 U. S. 240.
Hardin v. *Jordan,* 140 U. S. 371.
Illinois Central R. R. Co. v. *Illinois,* 146 U. S. 387.

The title to the beds of navigable waters, including boundary streams, is either in the State or the riparian owner, according to the local law.

U. S. v. *Chandler Dunbar Co.,* 229 U. S. 53.

The New York rule is that the title to such land is in the State itself.

Matter of Long Sault Development Co., 212 N. Y. 1.

The jurisdiction of the States and of the Federal government over navigable waters is concurrent. Congress can only exercise the powers delegated to it. While paramount within its sphere, *i. e.*, the regulation of commerce, which comprehends navigation, Congress has no power whatever to go outside of that sphere and to interfere with that which is exclusively within the sovereign power of the State. It has no power to appropriate the property of the State for a purpose over which it has no jurisdiction. Over matters within its jurisdiction the power of the State is supreme

and is subject only to the paramount power of Congress to regulate commerce.

> *Cummings* v. *Chicago,* 188 U. S. 410.
> *Montgomery* v. *Portland,* 190 U. S. 89.
> *Kansas* v. *Colorado,* 206 U. S. 46.
> *Gring* v. *Ives,* 222 U. S. 365.
> *United States* v. *Kress,* 243 U. S. 316.

The proposed bill is a power project solely and does not purport, in any sense, to deal with the regulation of commerce. As a precautionary measure only the Secretary of War is, by subdivision B of section 7 and by section 9, given power to issue regulations or remedial orders and to include provisions in licenses to preserve and improve navigation or to retain the proper volumes of the streams as boundary lines or their efficiency as means of national defense. Those are saving provisions only. The purpose of the bill, as its title and entire text indicate, is to confer upon the Secretary of War, the absolute control and regulation of boundary waters "for power purposes." This is the primary purpose of the bill, not a purpose which is merely incidental to the exercise of some power possessed by Congress.

Congress has heretofore in different rivers and harbors bills provided for the leasing of surplus water power developed by public improvements in aid of navigation. In such case the power is exercised as a mere incident to the power to regulate commerce.

> "The true distinction seems to be between cases where the dam is erected for the express or apparent purpose of obtaining a water power to lease to private individuals, or where in building a dam for public improvement, a wholly unnecessary excess of water is created, and cases where the surplus is a mere incident to the public improvement and a reasonable provision for securing an adequate supply of water at all times for such improvement."

> *Kaukauna Co.* v. *Green Bay, etc., Canal,* 142 U. S. 254, 275.

The bill does not purport to be a war measure and cannot be justified as such.

By the consolidation of the existing power companies at Niagara Falls, authorized by the State of New York, the maximum amount of water which under the treaty can be diverted, *i. e.*, 20,000 cubic feet per second, will be used in the most economical manner possible. There is, therefore, no excuse for the proposed legislation, even if Congress had jurisdiction over the subject of the development of water power on lands owned by the States in their sovereign capacity. Moreover, the bill does not purport to be a war measure. The leases are to be for fifty years, with power of renewals, with power to approve contracts extending beyond the fifty-year period and with power to take over the "project," even though the State itself may be the licensee.

The committee submits that it has demonstrated that the proposed measure violates the provisions of the Constitution of the United States.

It has shown the value of the natural advantages of the State of New York which this bill seeks to appropriate and the State's plans for the development of its water power.

It is now for the proponents of this measure to show what they propose to accomplish by its passage which cannot be accomplished under State control.

If the Federal authorities need water power, have they made their needs known to the State?

Assuredly not; for the history of the State since our entrance into the war shows that every request of the Federal authorities has been complied with instantly.

In this very matter of power, how prompt was the State to comply with the request of the Secretary of War.

On April 5th last a letter was received from the Acting Secretary of War requesting legislation permitting the consolidation of Cliff Electrical Distributing Company, The Niagara Falls Power Company and Hydraulic Power Company of Niagara Falls.

This letter was immediately transmitted to the legislative leaders. Immediately a bill was passed, and approved by the

Governor on May 10th, which permitted the consolidation and thereby increased their output of power at Niagara Falls.

Numerous other instances could be submitted which indicate clearly that the State would respond eagerly to any such request.

The bill, which is unjust in principle and violates every right of the State, is much more obnoxious when we consider that the State is ready and willing to carry out every request of the United States to aid in the successful prosecution of the war.

Respectfully submitted,

THE COMMITTEE APPOINTED BY THE GOVERNOR OF THE STATE OF NEW YORK TO OPPOSE THE PASSAGE OF H. R. 11871, BY MR. FLOOD, ENTITLED "A BILL FOR THE CONTROL AND REGULATION OF THE USE OF BOUNDARY WATERS OF THE UNITED STATES FOR POWER PURPOSES, AND FOR OTHER PURPOSES."

APPENDIX I

MEMORANDUM OF AUTHORITIES SUBMITTED TO THE COMMITTEE ON FOREIGN AFFAIRS ON BEHALF OF THE STATE OF NEW YORK BY THOMAS CARMODY, THE ATTORNEY-GENERAL, JANUARY, 1913

The title of the Niagara river to its center and to the waters that pass over that portion of the river is in the State of New York and individual riparian owners. The use by the State or by the individual riparian owners is subject, first, to international regulation and, second, to Federal regulation.

It is unnecessary to discuss the control to be exercised by international action; this subject is regulated by treaty, and it is under the terms of that treaty that the State of New York asserts the rights it herein contends for. The only question here is one of Federal or State control over that portion of the water permitted to be diverted by the treaty between the United States government and Great Britain dated January 11, 1909, viz., 20,000 cubic feet per second. Great Britain by the treaty has released all the rights which that government had to that portion of the water.

The only necessity for congressional action after the ratification of the treaty was to release from the jurisdiction and control which the Federal government has in the river, solely for the purposes of navigation, commerce and, possibly, fortification. The State does not concede, strictly speaking, that any action is necessary on the part of the Federal government in order to permit the State or the riparian owners to use the full amount of water permitted to be diverted by the treaty.

The effect of the treaty is to permit the State of New York to assert its legal rights and those of its citizens to the water permitted to be released by the treaty.

Upon this subject the following elementary principles are advanced:

First. The authority of the Federal government over these waters arises solely from the power reserved to the Federal government by the Federal Constitution, viz., to regulate commerce between the several States and foreign nations.

Second. This Federal authority is purely a sovereign power for a specific public use, and does not carry with it any proprietary sovereign right except to control navigation. All the title and interest in the river, other than this, belongs to the State of New York or to the individual riparian owners, or both, and the Federal government has no legal authority or power, either judicial or legislative, to fix or determine as between the State and an individual owner the limitations between State or individual ownership or control of this water power.

The above propositions are will settled by numerous decisions of the United States Supreme Court. They are in harmony with the decisions of the highest court of the State of New York.

The leading case on the subject, and which holds the principles above outlined, is *Martin* v. *Waddell*, 16 Pet. 367.

The court there held that when the American Revolution was concluded the people of each State became sovereign, and in that character held the absolute right to all their navigable waters and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the general government. This right, as pointed out by the court, was the right to regulate commerce between the several States and foreign nations.

In *Pollard* v. *Hogan,* 3 How. 212, it was held that the shores of navigable waters and the soils under them were not granted by the Constitution of the United States, but were reserved to the States respectively. That was an Alabama case, and the court held, in addition to the above principle, that the new States had the same rights, sovereignty and jurisdiction in respect to the waters of navigable streams as the original thirteen States.

In *Barney* v. *Keokuk*, 94 U. S. 324, it was decided that the rights of riparian owners on the banks of the Mississippi river were subject to control and regulation by the laws of the States within which the lands were included. The opinion in that case states that the Great Lakes and other navigable waters of the

country, above as well as below the flood of the tide, are, in the strictest sense, entitled to the denomination of navigable waters, and amenable to admiralty jurisdiction, and that there is no sound reason for further adhering to the old rule as to the *proprietorship of the beds and shores of such water.* The court added that the proprietorship of the beds and shores of such waters properly belongs to the States by their inherent sovereignty.

In *Hardin* v. *Jordan*, 140 U. S. 371, the court said, in speaking of the title to the shore and lands under the waters of navigable streams:

> "Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with the regulations which may be made by Congress with regard to public navigation and commerce."

The court further said in the above case:

> "This right of the states to regulate and control the shores of tide waters and the land under them, is the same as that which is exercised by the Crown in England. In this country the same rule has been extended to our great navigable lakes, which are treated as inland seas; and also in some of the states, to navigable rivers, as the Mississippi, the Missouri, the Ohio, and in Pennsylvania to all the permanent rivers of the state, but it depends on the law of each State *to what waters and to what extent this prerogative of the State over the lands under water shall be exercised.*"

This brings us to the precise question that is now involved in the proposed legislation, and is full authority for the contention of the State that the disposition to be made of the surplus waters allowed to be diverted from Niagara river *depends upon the laws of the State of New York*, and it is also for the State to decide to what extent this power shall extend over these waters.

The United States Supreme Court in *Water Power Co.* v. *Water Board*, 168 U. S. 358, reasserted the principle that *subject only to the Federal right of control under constitutional authority to regulate commerce, that all the rights of ownership and beneficial*

use in the beds and waters of navigable streams pass to the State. This is also held in the following cases:

St. L. v. *Rutz,* 138 U. S. 226, 242.
Kaukauna Water Power Co. v. *Green Bay and Miss. Canal Co.,* 142 U. S. 254.
St. Louis v. *Myers,* 113 U. S. 566.
Shively v. *Bowlby,* 152 U. S. 1.
Illinois Central Ry. v. *Illinois,* 146 U. S. 387.

In the latter case the court said:

> "That the State holds the title to the lands under the navigable waters of Lake Michigan, within its limits, in the same manner that the State holds title to soils under tide water, by the common law, we have already shown, and that title necessarily carries with it control over the waters above them whenever lands are subjected to use."

In *Kansas* v. *Colorado,* 206 U. S. 46, the United States Supreme Court covered in unmistakable language the whole subject involved in this litigation. It held that:

> "The Government of the United States is one of enumerated powers; that it has no inherent powers or sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people, and that if, in the changes of the years further powers ought to be possessed by Congress, they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the territories and may control the flow of waters in their streams, *it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is, subject to the exception named, vested in the State.*"

The tenth amendment, to which the court refers above, is as follows:

> "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

Nowhere in the Constitution of the United States is the Federal government given any power to dispose of the surplus waters of navigable streams or to control the development of electrical energy or to control the transmission into the State of electrical power, such as the proposed bill provides for. This bill, therefore, is not only directly antagonistic to an unbroken line of decisions in the United States Supreme Court, but it is antagonistic to the Federal Constitution in that it asserts a power of the Federal government which the Constitution does not give and which the United States Supreme Court has repeatedly pointed out, belongs, therefore, to the respective States. The bill is, therefore, a usurpation of the sovereign authority of the State of New York. It destroys the property rights of the State and of its citizens without any color of legal right.

It is significant that the decisions of the highest courts of the State of New York are in harmony with the decisions of the United States Supreme Court above outlined.

In *Sweet* v. *The City of Syracuse,* 129 N. Y. 316, the court recognized as undisputed the doctrine that the State owned the soil of the bed of the navigable lakes within the State, and that this ownership is subject to every easement and servitude necessary to the use of the waters by other riparian owners, so far as they may be entitled to use the same. The court further held as follows:

> "Neither sovereign nor subject can acquire anything more than a mere usufructuary right therein, and in this case the state never acquired, or could acquire, the ownership of the aggregated drops that comprised the mass of flowing water in the lake and outlet, *though it could and did acquire the right to its use.* These propositions have been often stated by jurists and in judicial decisions in different forms, but it is believed that they all concur in the same general result."

The court here was speaking about Skaneateles lake, a navigable body of water. This lake is subject to precisely the same Federal control as is that portion of the Niagara river which lies within the boundaries of the State, and of which we are speaking. In fact, the Federal government has the same power to control the diversion of water from Seneca lake, Keuka lake, Oneida lake or any of the other inland lakes of the State of New York, and from the Mohawk river, the Hudson river, or any of the other navigable rivers of the State, that it has over that portion of the waters of Niagara river that lies within the boundaries of the State. I assume that no one would argue that the Federal government could grant permits to private individuals in defiance of the riparian rights of the State and of individual riparian owners to use the water from these lakes or rivers for power purposes. Yet, I repeat, it has the same right in respect to those waters that it has in respect to the water in Niagara river covered by this proposed legislation.

In view of these plain provisions of law, supported by constitutional sanction and by the sanction of the highest court in the Nation, supported also by proprietary right and by the sacred rights of private property, it is interesting to consider the provisions of this bill. In the first place, the title of the bill is a challenge and a violation of all of the rights involved. The bill is entitled "For the Control and Regulation of the waters of Niagara River in the State of New York, for the Preservation of Niagara Falls and for other purposes."

It is needless to say that there is no power found in the Federal government "for the preservation of Niagara Falls or for other purposes," except for the purpose of navigation and for military defense. The cases heretofore cited support this statement and need not be repeated here.

The provisions of the bill seek to carry its title by first providing "That the diversion of waters from the Niagara River in the State of New York is hereby prohibited, except with the consent of the Secretary of War, as herein authorized by this act."

This is a plain denial of the State rights and of the rights of riparian owners in the river, as it asserts Federal control, not for purposes of navigation, but for purposes of determining *the*

persons to whom and the restrictions under which water is permitted to be diverted from the river.

The bill further provides that when the Secretary of War is satisfied that the diversion provided for "interferes with the navigable capacity of said river or its proper volume as a boundary stream or its sufficiency as a national defense, or *the scenic grandeur of Niagara Falls or that the waters diverted for the development of electric power are not being utilized to their full capacity for the proper standard of efficiency or that the public interests are not being served or protected in the use, transmission or sale of the electric power transmitted therefrom, he shall revoke any permit granted, after giving five years' notice to the said parties holding such permits and to the Congress of the United States, of his intention to make such revocation.*" This, therefore, asserts the right of the Federal government through the Secretary of War, in violation of the constitutional powers of the Federal government to decide in what manner the waters may be best utilized to develop their full and proper standard of efficiency, and to consider further questions entirely commercial or proprietary as the basis for cancellation of the permits. In other words, the Secretary of War is given the authority to decide who among the riparian owners within the State, or even those who are not riparian owners, can make the mose effective use of the water diverted. This does not take into account the riparian rights at all, but permits them to be sacrificed in the interest of industrial efficiency, left entirely for decision to the discretion of the Secretary of War. If a more complete usurpation of sovereign or property rights could possibly be arrogated by the Federal government than is provided for in the language of this bill, it is impossible to imagine it. There are several provisions of the bill no worse than this perhaps in respect to usurped rights but which show a clear purpose on behalf of those who favor the bill of entirely ignoring every State and individual right, up to this time sacredly maintained in our courts. For instance, it is provided that all persons holding permits for the diversion of water from Niagara river for the purpose of creating electrical energy, shall, if necessary, reconstruct the plants now operating, within five years after notice by the Secretary of War.

if such plant is not constructed so as to use the water at its full or proper standard of efficiency, etc.

The Secretary of War is also authorized to grant permits for the transmission of electric power from the Dominion of Canada into the United States, and he is given power to specify the companies, corporations or bodies legally organized therefor, by whom the same shall be transmitted, and the companies, corporations or bodies to whom the same shall be delivered. This is subject to the approval of the Governor of the State into which the power is transmitted. This qualification, however, hardly mitigates the indefensible manner in which the State's rights are usurped.

The most offensive portion of the bill, however, is that which places in the discretion of the Secretary of War the right to determine whether or not under permits heretofore granted electric power transmitted from Canada into the States is being utilized, distributed or sold with due regard to public interest. The bill also limits the amount to be transmitted as 200,000 horse power.

There cannot be found in the Federal Constitution a vestige of authority, either for permitting the Secretary of War to determine the question as to the efficiency with which the power is being used, the persons who are entitled to it or the manner in which it may be utilized, nor is there any authority in the Federal Constitution for limiting the amount of electric power that may be transmitted from Canada into the States. The Federal government may impose a tax upon electric power under section 8 of article I of the Constitution, which authorizes the laying and collecting of taxes, duties, imposts and excises and also authorizes the regulation of commerce with foreign nations and among the several States. It need not be necessary to contend that under these provisions favored persons or corporations cannot be selected as the recipients of Federal favor, nor to argue that international commerce can be restricted in the discretion of the Secretary of War, so as to make it a matter of volition with him as to what persons or corporations are permitted to enjoy the privilege of transmitting their property into the States, or into what States or in what amounts they may be permitted to enjoy this privilege. The prinicple announced under the first point disposes of this

question, viz.: That the power to do this must be found in the Constitution or it does not exist. It is not found in the Constitution, therefore it does not exist.

New York contends for the principle set forth in the proposed bill, which was filed by the Attorney-General with the Committee on Foreign Affairs, and which is appended.

All of which is respectfully submitted.

THOMAS CARMODY,
Attorney-General.

A BILL TO GIVE EFFECT TO THE FIFTH ARTICLE OF THE TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN, SIGNED JANUARY ELEVENTH, NINETEEN HUNDRED AND NINE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That in order to give effect to the fifth article of the treaty between the United States and Great Britain, signed January eleventh, nineteen hundred and nine, the United States hereby authorizes and permits the diversion within the State of New York of the waters of Niagara river above the falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of twenty thousand cubic feet of water per second.

Provided, however, that no water shall be diverted from said river at said point for power purposes except pursuant to written permits signed by the Secretary of War, who is hereby authorized and directed to issue such permits for the making of such diversion to said amount, to the State of New York, upon application made therefor by its officials, thereunto duly authorized.

REPORT OF THE SUPERINTENDENT

To the Commissioners of the State Reservation at Niagara:

GENTLEMEN.— I have the honor to submit herewith a report of the principal work and occurrences at the reservation during the fiscal year ending the 30th day of June, 1918.

REPAIRS

The plumbing in the following places was out of order and has been repaired:

Administration building, Prospect Point elevator, Cave of the Winds building, comfort station at entrance to Goat Island, Three Sisters Islands comfort station and the Labor Center.

New floors were installed in the stalls in the Labor Center barn.

The following pieces of lumber, cut from the trees blown down in the storm of July 2, 1916, were received from the sawmill:

No. Pieces	Length	Thickness	Width
		ELM	
22	12′ 6″	4″	14″ to 22″
94	12′	1″	8″ to 14″
54	12′	1″	9″ to 9″
29	12′	4″ x 4″	.....
70	12′	1″	10″ to 14″
		MAPLE	
16	10–12	2″	10″ to 14″
		BLACK WALNUT	
38	16′	2″	12″ to 14″

The roof of the ice house was in bad repair and a slate roof was installed, using slate which was on the reservation, and is now in good condition.

The park benches and tables have been repaired and painted.

The walks on the Three Sisters bridges have been repaired where needed.

Taking advantage of the low water in the Wing Dam pond,

the silt was entirely removed, some of it by labor, but the largest part with 2½-inch fire hose — 400 feet of our own and 600 feet kindly loaned to us by the city fire department. This enabled us to reach the hydrant on the Kaltenback green and thus obtain water. This made quick work of it. The break in the Wing dam was then temporarily repaired and filled in behind with rubble stone. There is as much water flowing through the canal now as there was before.

An automobile ran into the railing of the bridge at the North end of the Loop Pond and some of the stone was knocked into the stream below. This has been repaired.

The stairs and platforms were constructed at the Cave of the Winds at the foot of the Biddle stairs in accordance with contract made with J. Charles Dennis, contractor, for the sum of four hundred and thirty-six dollars and forty-one cents ($436.41). This work was done in a very satisfactory manner and was accepted.

Nine tons of good hay was harvested on the eastern end of Goat island; most of it was placed in the barn but some of it had to be stacked.

The trees and shrubs have been sprayed and pruned, excepting in the forest.

GRADING AND PLANTING

The following places have been graded and planted; at the site of the old barn. At the big elm tree near the Labor center and on Willow island.

GENERAL MAINTENANCE

Keeping the roads and paths and places of interest free from snow and ice, and cutting down dead and dying trees in the forest during the winter months.

Pruning young trees and shrubs at Labor center, Prospect park and the riverway.

The bare spots of lawn surface in the park and the riverway have been reseeded.

The ice house was filled with ice taken from the river banks and will supply the drinking fountains the coming summer.

New tables and benches with rubble stone legs and concrete tops were constructed at the Big Elm picnic grounds near the

Labor center; and a rubble stone drinking fountain has been constructed.

POLICE DEPARTMENT

Officer Richard Swift reported that at 10:50 A. M. August the 22nd, a man named John C. Callahan, No. 236 Minnesota ave. Buffalo, N. Y., jumped into the rapids about 30 feet above the brink of the American fall and was carried over the falls; the body was recovered a few days after at the Maid of the Mist landing.

The following arrests, fines, sentences and suspended sentences: arrests, 31; fines, $45.00; sentences, 3, 30 days each, 1, 120 days; suspended sentences, 13.

RESIGNATIONS

Name	Position	Date
Michael Walins	Police Constable	January 1, 1918
George Jennings	Police Constable	January 1, 1918

PROMOTIONS

Night Watchman to Police Constable

Marcus J. Skinner		January 1, 1918
Hawley White		January 1, 1918

APPOINTMENTS

John P. Green	Night Watchman	January 1, 1918
George R. Boyd	Night Watchman	January 1, 1918

On January the 11th night watchman George R. Boyd reported that at 10:30 P. M. he saw a man go down toward Prospect Point and disappear; upon investigating he found foot prints in the snow, which gave evidence that he had climbed the railing at that point and jumped into the river and gone over the Fall. The man was identified as a man working for the International railway named Chase.

ATTEMPTED SUICIDE

On May 19th, Miss May Hill of New York city, jumped into the spillway of the Niagara Falls Power Company, near the upper steel arch bridge. She was picked up alive on the Canadian side.

Respectfully submitted,

HARRY K. ECKERT,
Superintendent.

TREASURER'S REPORT FOR THE FISCAL YEAR JULY 1, 1917 TO JUNE 1, 1918.

The Commissioners of the State Reservation at Niagara, in account with CLARENCE H. ATWOOD, Treasurer.

		Payment by the State Comptroller on account:	
1917.			
July	16.	Chapter 646, Laws of 1916	$349 15
	16.	Chapter 181, Laws of 1917	1,762 78
	24.	Chapter 646, Laws of 1916	334 35
	31.	Chapter 646, Laws of 1916, and 181, 1917	1,966 28
Aug.	17.	Chapter 181, Laws of 1917	2,043 72
	23.	Chapter 181, Laws of 1917	726 67
	30.	Chapter 181, Laws of 1917	277 50
Sept.	1.	Chapter 181, Laws of 1917	1,552 53
	19.	Chapter 181, Laws of 1917	1,995 78
Oct.	3.	Chapter 181, Laws of 1917	1,540 03
	17.	Chapter 181, Laws of 1917	2,286 15
Nov.	3.	Chapter 181, Laws of 1917	1,540 03
	15.	Chapter 181, Laws of 1917	1,481 28
	20.	Chapter 181, Laws of 1917	339 76
	28.	Chapter 181, Laws of 1917	1,478 78
Dec.	13.	Chapter 181, Laws of 1917	1,478 78
	13.	Chapter 181, Laws of 1917	159 64
	31.	Chapter 181, Laws of 1917	1,472 53
1918.			
Jan.	18.	Chapter 181, Laws of 1917	1,801 32
Feb.	1.	Chapter 181, Laws of 1917	1,606 28
	13.	Chapter 181, Laws of 1917	1,542 53
	26.	Chapter 181, Laws of 1917	361 84
March	2.	Chapter 181, Laws of 1917	1,498 78
	15.	Chapter 181, Laws of 1917	1,415 66
	18.	Chapter 181, Laws of 1917	319 12
	26.	Chapter 181, Laws of 1917	1,578 16
April	12.	Chapter 181, Laws of 1917	1,859 38
May	3.	Chapter 181, Laws of 1917	1,675 03
	16.	Chapter 181, Laws of 1917	1,486 28
	16.	Chapter 181, Laws of 1917	284 09
	24.	Chapter 181, Laws of 1917	386 31
	28.	Chapter 181, Laws of 1917	315 00
	29.	Chapter 181, Laws of 1917	1,415 03
June	13.	Chapter 181, Laws of 1917	1,501 28
	19.	Chapter 181, Laws of 1917	1,062 82
July	9.	Chapter 181, Laws of 1917	1,541 22
		Total	$44,395 87

EXPENDITURES

Chapter 181, Part 1, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

Date 1917		Voucher	Name and Classification	Amount
July	10.	1	Administration, salaries, regular, payroll.....	$350 00
		1	Division of police, salaries, regular, payroll.....	375 03
		1	Division of police, wages, regular, payroll.....	150 00
		1	Prospect Point elevator, salaries, regular, payroll	60 00
		1	Prospect Point elevator, wages, regular, payroll.	138 75
		1	Wages, temporary, payroll.....	689 00
July	21.	2	Administration, salaries, regular, payroll.....	350 00
		2	Division of police, salaries, regular, payroll.....	375 03
		2	Division of police, wages, regular, payroll.....	150 00
		2	Prospect Point elevator, salaries, regular, payroll	60 00
		2	Prospect Point elevator, wages, regular, payroll.	140 00
		2	Wages, temporary, payroll.....	462 50
Aug.	9.	3	Administration, salaries, regular, payroll.....	300 00
		3	Division of police, salaries, regular, payroll.....	375 03
		3	Division of police, wages, regular, payroll.....	150 00
		3	Prospect Point elevator, salaries, regular, payroll	60 00
		3	Prospect Point elevator, wages, regular, payroll.	138 75
		3	Wages, temporary, payroll.....	518 75
Aug.	23.	4	Administration, salaries, regular, payroll.....	300 00
		4	Division of police, salaries, regular, payroll....	375 03
		4	Division of police, wages, regular, payroll.....	150 00
		4	Prospect Point elevator, salaries, regular, payroll	60 00
		4	Prospect Point elevator, wages, regular, payroll.	140 00
		4	Wages, temporary, payroll.....	527 50
Sept.	10.	5	Administration, salaries, regular, payroll.....	300 00
		5	Division of police, salaries, regular, payroll.....	375 03
		5	Division of police, wages, regular, payroll.....	150 00
		5	Prospect Point elevator, salaries, regular, payroll	60 00
		5	Prospect Point elevator, wages, regular, payroll.	138 75
		5	Wages, temporary, payroll.....	575 00
Sept.	21.	6	Administration, salaries, regular, payroll.....	300 00
		6	Division of police, salaries, regular, payroll....	375 03
		6	Division of police, wages, regular, payroll.....	150 00
		6	Prospect Point elevator, salaries, regular, payroll	60 00
		6	Prospect Point elevator, wages, regular, payroll.	138 75
		6	Wages, temporary, payroll.....	516 25
				$9,534 18

Abstract No. 2

Date		Voucher	Name and Classification	Amount
1917				
Oct.	5.	7	Administration, salaries, regular, payroll.....	$300 00
		7	Division of police, salaries, regular, payroll.....	375 03
		7	Division of police, wages, regular, payroll.....	150 00
		7	Prospect Point elevator, salaries, regular, payroll	60 00
		7	Prospect Point elevator, wages, regular, payroll.	138 75
		7	Wages, temporary, payroll.....	451 25
Oct.	23.	8	Administration, salaries, regular, payroll.....	300 00
		8	Division of police, salaries, regular, payroll.....	375 03
		8	Division of police, wages, regular, payroll.....	150 00
		8	Prospect Point elevator, salaries, regular, payroll.	60 00
		8	Prospect Point elevator, wages, regular, payroll..	140 00
		8	Wages, temporary, payroll	515 00
Nov.	8.	9	Administration, salaries, regular, payroll.....	300 00
		9	Division of police, salaries, regular, payroll.....	375 03
		9	Division of police, wages, regular, payroll.....	150 00
		9	Prospect Point elevator, salaries, regular, payroll.	60 00
		9	Prospect Point elevator, wages, regular, payroll..	138 75
		9	Wages, temporary, payroll	457 50
Nov.	21.	10	Administration, salaries, regular, payroll.....	300 00
		10	Division of police, salaries, regular, payroll.....	375 03
		10	Division of police, wages, regular, payroll.....	150 00
		10	Prospect Point elevator, salaries, regular, payroll.	60 00
		10	Prospect Point elevator, wages, regular, payroll..	138 75
		10	Wages, temporary, payroll	455 00
Dec.	7.	11	Administration, salaries, regular, payroll.....	300 00
		11	Division of police, salaries, regular, payroll.....	375 03
		11	Division of police, wages, regular, payroll.....	112 50
		11	Prospect Point elevator, salaries, regular, payroll.	60 00
		11	Prospect Point elevator, wages, regular, payroll..	138 75
		11	Wages, temporary, payroll	452 50
Dec.	26.	12	Administration, salaries, regular, payroll.....	300 00
		12	Division of police, salaries, regular, payroll.....	375 03
		12	Division of police, wages, regular, payroll.....	112 50
		12	Prospect Point elevator, salaries, regular, payroll.	60 00
		12	Prospect Point elevator, wages, regular, payroll..	140 00
		12	Wages, temporary, payroll	485 00
1918.				
Jan.	11.	13	Administration, salaries, regular, payroll.....	300 00
		13	Division of police, salaries, regular, payroll.....	375 03
		13	Division of police, wages, regular, payroll.....	150 00
		13	Prospect Point elevator, salaries, regular, payroll.	60 00
		13	Prospect Point elevator, wages, regular, payroll..	138 75
		13	Wages, temporary, payroll.....	488 75
Jan.	24.	14	Administration, salaries, regular, payroll.....	300 00
		14	Division of police, salaries, regular, payroll.....	375 03
		14	Division of police, wages, regular, payroll.....	150 00
		14	Prospect Point elevator, salaries, regular, payroll.	60 00

Abstract No. 2

Date 1917	Voucher	Name and Classification	Amount
	14	Prospect Point elevator, wages, regular, payroll..	$140 00
	14	Wages, temporary, payroll.....	581 25
Feb. 7.	15	Administration, salaries, regular, payroll.....	300 00
	15	Division of police, salaries, regular, payroll.....	375 03
	15	Division of police, wages, regular, payroll.....	150 00
	15	Prospect Point elevator, salaries, regular, payroll.	60 00
	15	Prospect Point elevator, wages, regular, payroll..	138 75
	15	Wages, temporary, payroll.....	518 75
Feb. 21.	16	Administration, salaries, regular, payroll.....	300 00
	16	Division of police, salaries, regular, payroll.....	375 03
	16	Division of police, wages, regular, payroll.....	150 00
	16	Prospect Point elevator, salaries, regular, payroll.	60 00
	16	Prospect Point elevator, wages, regular, payroll..	136 25
	16	Wages, temporary, payroll	477 50
March 11.	17	Administration, salaries, regular, payroll.....	300 00
	17	Division of police, salaries, regular payroll.....	375 03
	17	Division of police, wages, regular, payroll.....	150 00
	17	Prospect Point elevator, salaries, regular, payroll.	60 00
	17	Prospect Point elevator, wages, regular, payroll.	138 75
	17	Wages, temporary, payroll.....	391 88
March 23.	18	Administration, salaries, regular, payroll.....	300 00
	18	Division of police, salaries, regular, payroll.....	375 03
	18	Division of police, wages, regular, payroll.....	150 00
	18	Prospect Point elevator, salaries, regular, payroll.	60 00
	18	Prospect Point elevator, wages, regular, payroll..	140 00
	18	Wages, temporary, payroll.....	370 63
April 8.	19	Administration, salaries, regular, payroll.....	300 00
	19	Division of police, salaries, regular, payroll.....	375 03
	19	Division of police, wages, regular, payroll.....	150 00
	19	Prospect Point elevator, salaries, regular, payroll.	30 00
	19	Prospect Point elevator, wages, regular, payroll..	138 75
	19	Wages, temporary, payroll.....	426 25
April 24.	20	Administration, salaries, regular, payroll.....	300 00
	20	Division of police, salaries, regular, payroll.....	375 03
	20	Division of police, wages, regular, payroll.....	150 00
	20	Prospect Point elevator, salaries, regular, payroll.	30 00
	20	Prospect Point elevator, wages, regular, payroll..	138 75
	20	Wages, temporary, payroll	557 50
May 9.	21	Administration, salaries, regular, payroll.....	300 00
	21	Division of police, salaries, regular, payroll.....	375 03
	21	Division of police, wages, regular, payroll.....	150 00
	21	Prospect Point elevator, salaries, regular, payroll.	30 00
	21	Prospect Point elevator, wages, regular, payroll..	138 75
	21	Wages, temporary, payroll	492 50
May 22.	22	Administration, salaries, regular, payroll.....	262 50
	22	Division of police, salaries, regular, payroll.....	375 03
	22	Division of police, wages, regular, payroll.....	112 50

Abstract No. 2

Date 1917		Voucher	Name and Classification	Amount
		22	Prospect Point elevator, salaries, regular, payroll.	$30 00
		22	Prospect Point elevator, wages, regular, payroll..	140 00
		22	Wages, temporary, payroll	495 00
June	10.	23	Administration, salaries, regular, payroll.....	262 50
		23	Division of police, salaries, regular, payroll.....	375 03
		23	Division of police, wages, regular, payroll.....	150 00
		23	Prospect Point elevator, wages, regular, payroll..	138 75
		23	Wages, temporary, payroll	575 00
June	22.	24	Administration, salaries, regular, payroll.....	262 50
		24	Division of police, salaries, regular, payroll.....	332 72
		24	Division of police, wages, regular, payroll.....	150 00
		24	Prospect Point elevator, wages, regular, payroll..	138 50
		24	Wages, temporary, payroll	518 75
			Total	$36,168 42

EXPENDITURES

Chapter 181, Part 1, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

Date 1917		Voucher	Name and Classification	Amount
Aug.	9.	1	Adams & White Company, supplies.....	$9 50
		2	Beals, McCarthy & Rogers, supplies.....	8 00
		3	Chessman & Elliot, supplies.....	234 05
		5	Elderfield-Hartshorn Hdw. Co., supplies.....	231 48
		8	Niagara Searchlight Co., supplies.....	3 60
		9	Myrck Chemical Company, supplies.....	82 50
		10	Robertson-Cataract Electric Co., supplies.....	113 40
		11	Standard Oil Co. of N. Y., supplies.....	16 50
Sept.	10.	12	Allen Milling Company, supplies.....	50 00
		13	Allen Milling Company, supplies.....	116 60
		15	Gilbert Beaton, supplies.....	15 15
		16	M. B. Butler, Inc., supplies.....	7 57
		17	Elderfield-Hartshorn Hdw. Co., supplies.....	64 00
		18	B. L. Moone, supplies.....	5 00
		19	Roberts Brothers' Co., supplies.....	5 00
		20	Robertson-Cataract Electric Co., supplies.....	22 00

Abstract No. 2

Oct.	5.	21	Adams & White Company, supplies.....	33 75
		22	Adams & White Company, supplies.....	3 60
		23	A. P. W. Paper Co., supplies.....	274 32
		24	Gilbert Beaton, supplies	9 20
		25	M. B. Butler, Inc., supplies.....	20 00

Abstract No. 2

Date 1917		Voucher	Name and Classification	Amount
		26	Dan. H. Clark, supplies	$16 00
		27	Elderfield-Hartshorn Hdw. Co., supplies	52 55
		28	H. R. Kidney, Agent and Warden, supplies	23 10
		29	Macbeth-Evans Glass Company, supplies	71 82
		30	William H. Moyer, Agent and Warden, supplies	95 10
		31	Otis Elevator Company, supplies	30 40
		32	Oliver A. Quayle, supplies	27 85
Nov.	8.	1	Adams & White Company, supplies	9 75
		2	Allen Milling Company, supplies	49 30
		3	Allen Milling Company, supplies	59 90
		4	Gilbert Beaton, supplies	13 40
		5	Elderfield-Hartshorn Hdw. Co., supplies	75 33
		6	Peter Henderson & Company, supplies	16 00
		7	Niagara Searchlight Company, supplies	4 00
		8	Otis Elevator Company, supplies	30 00
		9	Fred B. Peck, supplies	9 50
		10	Paterson-Thompson Company, supplies	1 06
		11	Sterling Electric Lamp Division, supplies	24 00
Dec.	7.	1	Adams & White Company, supplies	2 25
		2	Allen Milling Company, supplies	51 75
		3	Gilbert Beaton, supplies	19 40
		4	Elderfield-Hartshorn Hdw. Co., supplies	31 70
		5	Niagara Falls Awning & Tent Co, supplies	20 50
		6	Niagara Searchlight Company, supplies	2 40
		7	Fred B. Peck, supplies	2 50

Abstract No. 3

Jan.	11.	1	Adams & White Company, supplies	4 40
		2	Allen Milling Company, supplies	63 50
		3	Gilbert Beaton, supplies	20 00
		4	Dirnberger Pop Corn, supplies	10 00
		5	Elderfield-Hartshorn Hdw. Co., supplies	17 22
		6	General Carbonic Company, supplies	15 00
		7	A. C. Gibson Co., Inc., supplies	1 90
		8	Oliver A. Quayle, supplies	2 75
		9	Robertson-Cataract Electric Co., supplies	32 40
		10	Robertson-Cataract Electric Co., supplies	2 70
Feb.	7.	1	Adams & White Company, supplies	4 95
		2	Allen Milling Company, supplies	53 60
		3	Allen Milling Company, supplies	11 89
		4	Gilbert Beaton, supplies	17 95
		6	J. P. Hewitt, Jr., supplies	103 35
		7	Niagara Searchlight Company, supplies	8 80
		8	Otis Elevator Company, supplies	30 00
March	11.	1	Adams & White Company, supplies	1 60
		2	Allen Milling Company, supplies	60 10
		3	Gilbert Beaton, supplies	4 70

Abstract No. 3

Date 1917		Voucher	Name and Classification	Amount
		4	Elderfield-Hartshorn Hdw. Co., supplies	$11 19
		5	King & Eisele Co., supplies	5 00
		6	Niagara Searchlight Company, supplies	3 40

Abstract No. 4

April	8.	1	Allen Milling Company, supplies	65 40
		2	Allen Milling Company, supplies	57 00
		3	Gilbert Beaton, supplies	11 80
		4	Oliver A. Quayle, supplies	170 00
		5	Standard Oil Co. of N. Y., supplies	3 00
May	9.	1	Adams & White Company, supplies	16 50
		2	Allen Milling Company, supplies	60 80
		3	Gilbert Beaton, supplies	6 60
		4	Peter Henderson & Company, supplies	11 65
		5	J. P. Hewitt, Jr., supplies	99 19
		6	Otis Elevator Company, supplies	30 00
		7	Fred B. Peck, supplies	17 00
		8	Oliver A. Quayle, supplies	19 65
		9	Robertson-Cataract Electric Co., supplies	58 50
June	10.	1	Allen Milling Company, supplies	54 70
		2	S. O. Barnum & Son Co., supplies	44 00
		3	Gilbert Beaton, supplies	9 30
		4	Peter Henderson & Company, supplies	7 95
		5	B. G. Pratt Company, supplies	29 50
		6	Standard Oil Co. of N. Y., supplies	14 50
			Total	$3,338 22

EXPENDITURES

Chapter 181, Part 1, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

Date 1917		Voucher	Name and Classification	Amount
July	10.	40	Harry K. Eckert, traveling expenses	$8 40
Aug.	9.	41	Clarence H. Atwood, traveling expenses	6 40
		42	Harry K. Eckert, traveling expenses	1 60
Sept.	10.	43	Clarence H. Atwood, traveling expenses	3 20
		44	Harry K. Eckert, traveling expenses	6 55

Abstract No. 2

Oct.	5.	45	Harry K. Eckert, traveling expenses	4 90
Nov.	8.	1	Harry K. Eckert, traveling expenses	1 70
		2	Thomas W. Meachem, traveling expenses	18 84
Dec.	7.	1	Harry K. Eckert, traveling expenses	4 75
		2	Thomas W. Meachem, traveling expenses	14 90

Date		Voucher	Name and Classification	Amount
			Abstract No. 3	
1918				
Jan.	11.	11	Harry K. Eckert, traveling expenses	$4 90
		12	A. T. Clearwater, traveling expenses	33 20
		13	Thomas W. Meachem, traveling expenses	15 66
Feb.	7.	9	Clarence H. Atwood, traveling expenses	26 05
		10	Harry K. Eckert, traveling expenses	36 65
		11	Paul A. Schoellkopf, traveling expenses	18 15
			Abstract No. 4	
April	8.	6	Harry K. Eckert, traveling expenses	4 65
May	9.	10	Harry K. Eckert, traveling expenses	14 55
		11	Thomas W. Meachem, traveling expenses	16 86
June	10.	7	Harry K. Eckert, traveling expenses	3 40
			Total	$245 40

EXPENDITURES

Chapter 181, Part 1, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Date		Voucher	Name and Classification	Amount
			Abstract No. 1	
1917				
Aug.	9.	1	Harry K. Eckert, communication	$5 00
		2	Harry K. Eckert, communication	3 94
		3	New York Telephone Co., communication	14 15
		4	New York Telephone Co., communication	9 55
Sept.	10.	5	Harry K. Eckert, communication	10 65
		6	New York Telephone Co., communication	9 05
		7	William Young, communication	33 24
			Abstract No. 2	
Oct.	5.	8	Harry K. Eckert, communication	11 42
		9	New York Telephone Co., communication	9 75
		10	William Young, communication	27 78
Nov.	8.	1	Harry K. Eckert, communication	1 91
		2	New York Telephone Co., communication	8 80
		3	Western Union Telegraph Co., communication	2 01
		4	Western Union Telegraph Co., communication	10 01
		5	William Young, communication	4 25
Dec.	7.	1	New York Telephone Co., communication	6 85
		2	William Young, communication	2 55
			Abstract No. 3	
1918				
Jan.	11.	14	Harry K. Eckert, communication	7 39
		15	Western Union Telegraph Co., communication	1 77
Feb.	7.	12	Harry K. Eckert, communication	5 00
		13	New York Telephone Co., communication	6 60
		14	New York Telephone Co., communication	7 40
		15	Western Union Telegraph Co., communication	3 75
March	11.	7	Harry K. Eckert, communication	10 00
		8	Western Union Telegraph Co., communication	1 31

Abstract No. 4

Date 1917		Voucher	Name and Classification	Amount
April	8.	7	Harry K. Eckert, communication	$16 00
		8	New York Telephone Co., communication	10 25
May	9.	12	Harry K. Eckert, communication	10 57
		13	New York Telephone Co	6 30
		14	New York Telephone Co., communication	9 95
		15	Western Union Telegraph Co., communication	5 10
		16	William Young, communication	3 09
June	10.	8	Harry K. Eckert, communication	7 90
		9	Western Union Telegraph Co., communication	2 40
			Total	$285 69

EXPENDITURES

Chapter 181, Part 3, Laws of 1917

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

Date 1917		Voucher	Name and Classification	Amount
July	10.	37	Gilbert Beaton, repairs	$16 15
		38	Concrete Stone & Coal Co., repairs	7 88
		39	Henry Chormann, repairs	2 75
		40	Dobbie Foundry & Machine Co., repairs	40 20
		41	M. E. Harris, repairs	12 80
		42	River Sand Co., Inc., repairs	12 35
		43	Safety Insulated Wire & Cable Co., repairs	194 50
		44	William Young, repairs	54 12
July	21.	2	Gilbert Beaton, repairs	117 00
		3	Concrete Stone & Coal Co., repairs	1 98
		4	M. E. Harris, repairs	5 90
		5	Otis Elevator Company, repairs	26 41
		6	L. M. Snyder, repairs	14 70
		1	Payroll, repairs	428 75
Aug.	9.	2	Payroll, repairs	310 00
Aug.	23.	3	Payroll, repairs	277 50

Abstract No. 2

Oct.	5.	7	Gilbert Beaton, repairs	18 85
		8	Elderfield-Hartshorn Hdw. Co., repairs	79 03
		9	McFarland Hdw. Co., repairs	1 70

Abstract No. 3

1918				
Jan.	11.	1	Henry Chormann, repairs	41 75
		2	Haeberle Lumber Company, repairs	5 34
		3	Otis Elevator Company, repairs	3 21
		4	L. M. Snyder, repairs	5 70
		5	Elderfield-Hartshorn Hdw. Co., repairs	27 70

Abstract No. 3

Date 1917	Voucher	Name and Classification	Amount
March 11.	1	McGarigle Machine Co., repairs	$28 62
	2	George Landes, repairs	14 55
	3	Henry Chormann, repairs	1 15
	1	Payroll, repairs	177 50
March 23.	2	Payroll, repairs	182 50

Abstract No. 4

May 9.	1	Concrete Stone & Coal Co., repairs	$16 25
	2	Elderfield-Hartshorn Hdw. Co., repairs	3 47
	3	Haeberle Lumber Company, repairs	14 51
	4	Haeberle Lumber Company, repairs	49 86
June 10.	1	T. C. Dennis, repairs	436 41
	2	Concrete Stone & Coal Co., repairs	12 55
	3	Elderfield-Hartshorn Hdw. Co., repairs	29 68
	4	B. L. Moone, repairs	64 98
	5	River Sand Co., Inc., repairs	7 00
	6	River Sand Co., Inc., repairs	6 00
	7	Semet-Solvay Company, repairs	142 50
	8	L. M. Snyder, repairs	12 55
April 8.	3	Payroll, repairs	101 25
April 24.	4	Payroll, repairs	123 75
May 9.	5	Payroll, repairs	200 00
May 22.	6	Payroll, repairs	315 00
June 10.	7	Payroll, repairs	177 50
June 22.	8	Payroll, repairs	138 75
		Total	$3,962 60

EXPENDITURES

Chapter 646, Part 1, Laws of 1916

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 5

Date 1917	Voucher	Name and Classification	Amount
July 10.	144	Allen Milling Company maintenance	$48 40
	145	Allen Milling Company, maintenance	44 60
	146	S. O. Barnum & Son Co., maintenance	22 25
	147	Gilbert Beaton, maintenance	8 70
	148	Gilbert Beaton, maintenance	9 60
	149	Elderfield-Hartshorn Hdw. Co., maintenance	15 33
	150	Elderfield-Hartshorn Hdw. Co., maintenance	88 75
	151	Elm City Nursery Company, maintenance	91 00
	153	Western Union Telegraph Co., maintenance	5 72
Aug. 9.	154	W. E. Chapman, maintenance	30 60
	155	Otis Elevator Company, maintenance	30 59
		Total	$395 54

RECAPITULATION

EXPENDITURES

Payrolls	$36,168 42
Supplies	3,338 22
Traveling expenses	245 40
Communication	285 69
Repairs	3,962 60
Maintenance	395 54
	$44,395 87
Payment from the State Comptroller	$44,395 87

SALARIES OF EMPLOYEES IN MILITARY SERVICE

Chapter 435, Laws of 1917

Date		Voucher	Name	Amount
			Abstract No. 1	
1917.				
Aug.	15.	1	Leonard G. Dallas, special payroll for August...	$49 00
Sept.	15.	2	Leonard C. Dallas, special payroll for September.	49 00
			Abstract No. 2	
Oct.	15.	3	Leonard G. Dallas, special payroll for October...	49 00
1918			**Abstract No. 3**	
Jan.	26.	4	Leonard G. Dallas, deficiency for October.....	13 00
		5	Leonard G. Dallas, special payroll for November.	62 00
		6	Leonard G. Dallas, special payroll for December.	62 00
Feb.	16.	7	Leonard G. Dallas, special payroll for January..	62 00
March	22.	8	Leonard G. Dallas, special payroll for February.	62 00
			Abstract No. 4	
April	15.	9	Leonard G. Dallas, special payroll for March....	62 00
May	15.	10	Leonard G. Dallas, special payrol for April.....	62 00
June	26.	11	Leonard G. Dallas, special payroll for May.....	62 00
July	26.	12	Leonard G. Dallas, special payroll for June.....	62 00
June	15.	..	Edward W. Dolan, special payroll for May.....	17 50
July	26.	..	Edward W. Dolan, special payroll for June.....	45 00
				$718 50
			Direct payments made by the State Comptroller.....	$718 50

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA
CLARENCE H. ATWOOD, *Treasurer*

Record of receipts for the fiscal year 1917–1918 from the Concessionaires:

Prospect Point elevator	$12,670 35
International railway	1,000 00
Reservation carriage service	100 00
Maid of the Mist	600 00
Cave of the Winds	7,046 00
Total	$21,416 35

Record of date of transfers of above receipts to the Treasurer of State of New York:

Aug.	1.	Receipts for July, 1917	$2,890 25
Sept.	1.	Receipts for August, 1917	4,195 60
Oct.	1.	Receipts for September, 1917	8,625 65
Nov.	1.	Receipts for October, 1917	560 25
Dec.	1.	Receipts for November, 1917	1,265 90
Jan.	3.	Receipts for December, 1917	217 15
Feb.	1.	Receipts for January, 1918	283 75
March	4.	Receipts for February, 1918	285 75
April	1.	Receipts for March, 1918	376 90
May	2.	Receipts for April, 1918	394 90
June	3.	Receipts for May, 1918	884 70
July	2.	Receipts for June, 1918	1,435 55
		Total	$21,416 35

STATE OF NEW YORK,
COUNTY OF NIAGARA, } *ss.:*

Clarence H. Atwood, being duly sworn, deposes and says, that he is the Treasurer of the Commissioners of the State Reservation at Niagara, and that the above report, made by him as such treasurer, for the fiscal year 1917–1918, is correct and true to the best of his knowledge.

C. H. ATWOOD,
Treasurer.

Sworn to before me, this 22nd
of November, 1918.

JAMES C. MOAKLER,
Notary Public

CERTIFICATE

We, the undersigned, Commissioners of the State Reservation at Niagara, hereby audit the foregoing accounts, at the several amounts named.

A. T. CLEARWATER,
GEORGE J. MEYER,
PAUL A. SCHOELLKOPF,
ANSLEY WILCOX,
ROBERT W. DE FOREST.

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STATE OF NEW YORK

THIRTY-SIXTH ANNUAL REPORT

OF

THE COMMISSIONERS

OF THE

State Reservation at Niagara

For the Fiscal Year
From June 30, 1918, to June 30, 1919

ALBANY
J. B. LYON COMPANY, PRINTERS
1920

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1920

STATE OF NEW YORK

OFFICE OF THE COMMISSIONERS OF THE
STATE RESERVATION AT NIAGARA

NIAGARA FALLS, N. Y., *January* 1, 1920

TO THE HON. J. HENRY WALTERS, *President of the Senate:*

SIR.— By direction of the Commission I have the honor, as required by law, to transmit to the Legislature the thirty-sixth annual report of the Commissioners of the State Reservation at Niagara, for the fiscal year June 30, 1918, to June 30, 1919.

Respectfully,

ALPHONSO T. CLEARWATER,
President.

STATE RESERVATION COMMISSION AT NIAGARA

MEMBERS OF THE COMMISSION

Alphonso T. Clearwater,
President,
Paul A. Schoellkopf,
Ansley Wilcox,
Robert W. De Forest,
Robert H. Gittins.

OFFICERS OF THE COMMISSION

President.....Alphonso T. Clearwater, LL. D.
Secretary and Treasurer.....Clarence H. Atwood
Superintendent.....Emil R. Waldenberger

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA

The following is the list of Commissioners and officers with the term of service of each:

Commissioners	Confirmed	Retired
Andrew H. Green of New York	May 2, 1883	Nov. 13, 1903*
William B. Dorsheimer of Rochester	May 2, 1883	March 26, 1888*
Martin B. Anderson of Rochester	May 2, 1883	May 11, 1888
J. Hampden Robb of New York	May 2, 1883	Nov. 10, 1887†
Sherman S. Rogers of Buffalo	May 2, 1883	May 11, 1888
John M. Bowers of New York to succeed William B. Dorsheimer	May 11, 1888	March 25, 1898
James Mooney of Buffalo to succeed J. Hampden Robb	May 11, 1888	March 22, 1893
John Hodge of Lockport to succeed Sherman S. Rogers	May 11, 1888	March 22, 1893
William B. Watson of Utica to succeed Martin B. Anderson	May 11, 1888	Feb. 12, 1889†
Daniel Batchelor of Utica to succeed William B. Watson	Feb. 12, 1889	Dec. 12, 1893*
Robert L. Fryer of Buffalo to succeed James Mooney	March 22, 1893	March 25, 1898
William Hamilton of Caledonia to succeed John Hodge	March 22, 1893	March 25, 1898
George Raines of Rochester to succeed Daniel Batchelor	Dec. 27, 1893	Nov. 22, 1908*
Alexander J. Porter of Niagara Falls to succeed John M. Bowers	March 25, 1898	Dec. 21, 1910†
Thomas P. Kingsford of Oswego to succeed Robert L. Fryer	March 25, 1898	March 27, 1914†
Charles M. Dow of Jamestown to succeed William Hamilton	March 25, 1898	March 27, 1914†
Alvah K. Potter of Lockport to succeed Andrew H. Green	Nov. 27, 1903	Jan. 30, 1907†
William B. Howland of New York to succeed George Raines	Feb. 3, 1909	March 26, 1917*
Eugene M. Cary of Niagara Falls to succeed Alvah K. Potter	June 11, 1908	March 27, 1914†
Thomas W. Meachem of Syracuse to succeed Alexander J. Porter	Dec. 30, 1910	Nov. 13, 1918†

* Died in office.

† Resigned.

Commissioners	Confirmed	Retired
Oliver Cabana, Jr., of Buffalo, to succeed Charles M. Dow	March 27, 1914	Jan. 25, 1915†
George J. Meyer of Buffalo to succeed Thomas P. Kingsford	March 27, 1914	Incumbent
Andrew Cuneo of Scarsdale to succeed Eugene M. Cary	March 27, 1914	March 4, 1916†
Paul A. Schoellkopf of Niagara Falls to succeed Oliver Cabana, Jr	March 25, 1915	Incumbent
Alphonso T. Clearwater of Kingston to succeed Andrew Cuneo	April 9, 1916	Incumbent
Ansley Wilcox of Buffalo to succeed William B. Howland	March 16, 1917	Incumbent
Robert W. DeForest of New York to succeed Thomas W. Meachem	Nov. 13, 1918	Incumbent
Robert H. Gittins to succeed George J. Meyer	July 21, 1919	Incumbent

President	Elected	Retired
M. B. Anderson, Rochester	May 29, 1883	June 9, 1883†
William Dorsheimer, Buffalo	June 9, 1883	March 26, 1888*
Andrew H. Green, New York	May 26, 1888	Nov. 13, 1903*
Charles M. Dow, Jamestown	Dec. 22, 1903	March 27, 1914†
William B. Howland, New York	April 21, 1914	Feb. 26, 1917*
Thomas W. Meachem, Syracuse	May 1, 1917	April 26, 1918†
A. T. Clearwater, Kingston	April 26, 1918	Incumbent

Secretary and Treasurer	Appointed	Retired
J. Hampden Robb, New York	May 29, 1883	Nov. 22, 1883†
Leighton Williams, New York	Nov. 22, 1883	Jan. 1, 1887†
David Gray, Buffalo	Jan. 1, 1887	Jan. 30, 1889†
Henry E. Gregory, New York	Jan. 30, 1888	Jan. 30, 1899†
Richard F. Rankin, Niagara Falls	Jan. 30, 1899	Feb. 1, 1900†
Peter A. Porter, Jr., Niagara Falls	Feb. 1, 1900	Oct. 1, 1903†
Thomas V. Welch, Niagara Falls	Oct. 1, 1903	Oct. 20, 1903*
Edward H. Perry, Niagara Falls:		
As Secretary	Dec. 22, 1903	
As Treasurer	Oct. 1, 1903	May 23, 1910*
Clarence H. Atwood, Buffalo:		
As Treasurer	Aug. 10, 1911	Incumbent
As Secretary	Dec. 19, 1918	
Harry K. Eckert, Buffalo:		Retired
As Secretary	April 16, 1912	Dec. 19, 1918†

Superintendent	Appointed	Retired
Thomas V. Welch, Niagara Falls	July 16, 1885	Oct. 20, 1903*
Edward H. Perry, Niagara Falls	Dec. 22, 1903	May 23, 1910*
William E. Harries, Buffalo	Aug. 3, 1910	April 16, 1912†
Harry K. Eckert, Buffalo	April 16, 1912	March 1, 1919†
Emil R. Waldenberger	July 1, 1919	Incumbent

ANNUAL REPORT

NIAGARA FALLS, *January* 1, 1920.

To the Honorable the Legislature of the State of New York:

GENTLEMEN.— As required by law, the Commissioners of the State Reservation at Niagara have the honor herewith to submit their report for the fiscal year from June 30, 1918, to June 30, 1919, this being their thirty-sixth annual report.

CHANGE IN THE COMMISSION

The Commission during the fiscal year was composed of George J. Meyer, Paul A. Schoellkopf, Alphonso T. Clearwater, Ansley Wilcox and Robert W. DeForest. Shortly after its termination, and on the 13th day of July, 1919, Mr. Meyer died, and the Honorable Robert H. Gittins of Niagara Falls was appointed in his stead. The action of the Commission relative to the death of Mr. Meyer will appear in its annual report for 1919–1920.

THE EUROPEAN WAR

The close of the European war, terminated the prosecution of a number of the visionary schemes proposed during its continuance for the diversion of the waters of the cataract. The Niagara Falls Power Company is proceeding as rapidly as conditions permit with the important work outlined in our last annual report.

THE MEMORIAL TO NEW YORK SOLDIERS AND SAILORS IN THE WORLD WAR

In the attempt to carry into execution the suggestion contained in the last annual report of the Commission that the people of the State of New York should create a memorial to our soldiers and sailors by enlarging the State Reservation at Niagara, and establish memorial riverways and reservations extending along the Niagara river from Lake Erie to Lake Ontario, with suitable structures, the Commission caused to be introduced in both

Houses of the Legislature, an act providing for the acquisition of lands for the establishment of a State park as a permanent memorial of the patriotism and devotion of the soldiers and sailors from this State, who served in the army and navy of the United States during the world war, a copy of which as finally revised appears as Appendix A.

Unfortunately the demands arising out of the war, and its many activities, were of so pressing a character that the Legislature was unable to see its way clear to enact the proposed bill into law. The Commission being of the opinion that no finer or more appropriate monument to the patriotism and heroism of the flower of our youth, and none more in keeping with the magnitude of the sacrifices made, and becoming the dignity of a great commonwealth than the creation and maintenance along the International boundary of a great riverway which shall be free to the citizens of all the nations of the earth, will again present the bill to your honorable body in the hope that it will receive that favorable consideration to which we regard it as justly entitled.

Suggestions as to Defraying the Cost of the Proposed Riverways and Park

Under the provisions of an act of the Dominion Parliament, the Queen Victoria Niagara Falls Park Commission of Ontario, derives a stated and substantial revenue from the taxation of the hydraulic power companies located upon the Canadian side of the Niagara river, the money thus derived being placed at the disposal of the Commissioners for the enlargement and improvement of the beautiful park system under their control. We see no reason why a moderate tax of similar character should not be imposed upon the power plants upon the American side, and the revenue derived therefrom placed at the disposal of this Commission for the purpose of enabling it largely to improve the State Reservation, and to carry out its suggested plan for the creation of State memorial riverways and reserves extending along the river from Lake Erie to Lake Ontario, with suitable structures, and thus to create that permanent and fitting memorial of the patriotism, devotion and great achievement of the soldiers and sailors from this State and Nation, who served in the army and

navy of the United States during the world war, to which before we have alluded.

In making this suggestion the Commission feel that it is but proper to say that in Ontario the Provincial Government through the Commissioners of the Queen Victoria Niagara Falls Park, furnishes all the land and riparian rights which the Canadian power companies acquired, and in consideration they receive a rental per horse power, payable to the Commissioners of that park as landlords. In addition the Canadian Niagara power companies were exempt from other taxation on their plant. In this State the power companies acquired and paid for their own land, and riparian rights, and are assessed upon the local assessment rolls in the city of Niagara Falls upon propery values of upwards of $25,000,000, exclusive of taxation for Federal purposes imposed subsequent to the beginning of the European war. Thus power companies in this State are now liable to pay taxes:

a. Federal income tax.
b. Federal capital stock tax.
c. Federal excess profits tax.
d. State gross earnings tax.
e. City and school taxes or other local assessment, including assessments for special franchises.
f. State and county taxes on a like assessment,

besides such taxes as they may pay upon their issue of capital stock and bonds.

All these factors, of course, should be taken into consideration in considering the additional tax to be imposed in pursuance of our recommendation.

The Continued and Rapid Recession of the Apex of the Horseshoe Falls

We called your attention to this matter by our reports under date of January 3, 1918, and December 19th, of that year, and again say, as we then said, that the recession is alarmingly proceeding at the rate of substantially sixty-two inches a year, and we most earnestly urge the immediate and favorable consideration of the report made to the Chief Engineer of the United States

Army by General, then Major, Kellar, on the 30th day of November, 1908, who proposed that a submerged dam be constructed in the river above the horseshoe falls with a view of diverting a portion of the volume of water from the deepest part of the channel and spreading it out over the shallower portion nearest the shore. This dam would diminish the erosion of the apex, and improve the appearance of the now impoverished margins. We repeat that we are informed and believe that if this work be sanctioned by the State and Federal governments, practically the greater part of the expense involved would willingly be borne by the power companies of the Falls; the dam could be constructed of irregular and rough surfaced concrete blocks so tinted and placed as to blend with and appear to be a part of the rock foundation of the bed of the river.

The Imperative Necessity of an Elevator at the Cave of the Winds

It ought not to be necessary for the Commission repeatedly to be compelled to call attention to the necessity of an elevator at the Cave of the Winds, the only access to which now is as it has been for the last ninety years, the antiquated Biddle stairs of one hundred and ninety steps, surrounding a center post, descending in a wooden tower. The descent and ascent of these stairs is so steep and of such a character as to make the strain upon the heart and muscles of people past the meridian of life almost prohibitive. The concession for its use would furnish a revenue to the State, besides affording a great public accommodation. We repeat what before we have said, that an antiquated wooden structure nearly a century old upon the property of the greatest State in the Union is derogatory to its dignity, and when it is considered that Niagara Falls is regarded as one of the great natural wonders of the world, and the greatest of the readily accessible natural wonders of the western hemisphere, it seems incredible to visitors from other States and countries that New York for so many years has permitted what it is a euphemism to say is a disgraceful adjunct to its property.

In this connection it may not be amiss to say that the existing elevator to the foot of the American fall connecting with the landing of the Maid of the Mist cost the State $108,000.

The receipts from this elevator from October 1, 1918, to October 1, 1919, were $15,545.70.

The expense of its maintenance was $6,780.

A profit to the State of $8,765.70, or a return of 8 91/100 per cent on the investment.

An elevator to the Cave of the Winds the State Architect estimates would cost less than this one, and would yield a much larger net return.

We have received proposals to construct and operate such an elevator, but regard it as beneath the dignity of the State to permit individuals or corporations to construct and operate upon State property, an elevator to enable its citizens properly to view the State's and one of the world's greatest natural wonders.

Approximately 40,000 people visited and entered the Cave of the Winds during the season of 1919, and there was received from its concessionaire and paid to the Treasurer of the State, $15,598.87. The concessionaire estimates that at least 10,000 more people desire to vist the Cave of the Winds, but were refused admission to the Biddle stairway because its condition is such that he was unwilling to assume the risk of the traffic, its construction permitting of passage only one way at a time. The elevator at Prospect point to the foot of the American falls to the landing of the Maid of the Mist, carried 77,725 people from the first day of October, 1918, to the first day of October, 1919. Our employees estimate that substantially 1,700,000 people visited the reservation during that season.

Change of Superintendents

Harry K. Eckert, who was appointed Superintendent of the Reservation on the 16th of April, 1912, resigned because of ill health. The Commission requested the Civil Service Commission to direct an examination for the vacancy. The position being one which requires executive ability of a high order, together with knowledge of park management and ability to direct the work of a considerable number of employees, actual experience as a park superintendent, together with some knowledge of local conditions, the examination was thrown open to non-residents as well as residents, with the result that thirty applicants applied and took

the examination. After thorough consideration of the qualifications of the three highest upon the list, the Commission selected Emil R. Waldenberger, who has entered upon the discharge of his duties, which he has most satisfactorily performed.

The Preservation of the Natural Beauties of Niagara

We adhere rigidly to the policy originally adopted of preserving the natural beauties of the place. It may interest you to know that Frederick Law Olmstead, the distinguished landscape architect and artist, is of the opinion that portions of the Goat Island forest could not be improved, and are incomparable, that his opinion is concurred in by authorities of the Arnold Arboretum of Boston, and by other noted landscape artists. We are reforesting the bare spots on Goat Island with conifers, planting white, red and Scotch pine and hemlock, and are planting cedar on the side of the cliff between Luna Islands falls and the horseshoe falls, as they help to retain the bank, and do not obstruct the view.

We have removed much standing dead timber and ugly stubs on the smaller islands, and cut decaying timber wherever found. This is cut into cord wood and sold under the provisions of the opinion of the Attorney-General, and the proceeds paid into the State Treasury.

We received from the Conservation Commission and planted upon the reservation grounds during the fiscal year:

1,000 Scotch pines, transplants, 3 years old.
1,000 Norway spruce, transplants, 3 years old.
1,000 Red pine, transplants, 3 years old.
1,000 White cedar seedlings, 3 years old.
1,000 European Larch seedlings, 2 years old.
1,000 Black locust seedlings, 1 year old.

The sycamores planted in 1905 on the slope north of the International bridge, stand the hard condition of wind, storm, snow and ice in exposed situations better than other forest trees, and therefore we are extending the planting of sycamores at other similar places.

The rapid increase in the use of automobiles necessitates constant repair of the roadways on the reservation, they not having been originally constructed for automobile traffic, and this of course requires increased expenditure.

It would be a source of deep gratification to us if the members of the Legislature, as their leisure and opportunity permits, would visit the reservation, carefully inspect the property under our control, and make to us such suggestions as occur to them wise and best adapted for the preservation of its great natural beauties.

All of which is respectfully submitted.

ALPHONZO T. CLEARWATER,
PAUL A. SCHOELLKOPF,
ANSLEY WILCOX,
ROBERT W. DE FOREST,
ROBERT H. GITTINS,
Commissioners.

APPENDIX A

STATE OF NEW YORK — IN SENATE

Nos. 245, 760, 987, 1272, 1776, 1793. Int. 241

January 28, 1919.

Introduced by Mr. G. F. THOMPSON — read twice and ordered printed, and when printed to be committed to the Committee on Finance — committee discharged, said bill amended, ordered reprinted as amended, and when reprinted to be recommitted to said committee — committee discharged, said bill amended, ordered reprinted as amended, and when reprinted to be recommitted to said committee — committee discharged, said bill amended, ordered reprinted as amended, and when reprinted to be recommitted to said committee — committee discharged, said bill amended, ordered reprinted as amended, and when reprinted to be recommitted to said committee — committee discharged, said bill amended, ordered reprinted as amended, and when reprinted to be recommitted to said committee.

AN ACT to enlarge the state reservation at Niagara, and to establish the New York state memorial riverways and reserves, extending long the Niagara river from Lake Erie to Lake Ontario, with suitable structures thereon, and to create thereby a permanent and fitting memorial of the patriotism and devotion and the great achievements of the soldiers and sailors from this state and the nation, who served in the army and navy of the United States, during the world war; also making an appropriation therefor, and providing a charge upon the use of water power developed at Niagara falls, for the purpose of paying in part or in whole the expenses thereof.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Purpose. It is the solemn purpose of the state of New York to preserve forever in sacred memory the patriotism

and devotion and the great achievements of the soldiers and sailors from this state and the nation who served in the army and navy of the United States during the world war for freedom in the years nineteen hundred and seventeen and nineteen hundred and eighteen; and as a permanent and fitting memorial thereof to enlarge the state reservation at Niagara, and to create and add to said reservation a system of memorial riverways and reserves, extending along the Niagara river from Lake Erie to Lake Ontario, and connecting Fort Porter with Fort Niagara, consisting of parks and public places reserved because of their beauty and commanding position, for the free use of the public, connected by north and south memorial riverways and with suitable structures thereon, all of which shall constitute such memorial.

§ 2. Name. The extensions of the state reservation at Niagara herein provided for shall be known as the "New York State Memorial Riverways and Reserves;" the road leading northerly to Fort Niagara being known as "North Memorial Riverway," and the road leading southerly to the Buffalo city line and towards Fort Porter and Lake Erie being known as "South Memorial Riverway." All of the additions to said reservation acquired under the authority of this act shall be deemed a part of the state reservation at Niagara, and subject to the control and jurisdiction of the commissioners of the state reservation at Niagara and to all the provisions of article nine of the public lands law, relating to the state reservation at Niagara, except as specially provided in this act.

§ 3. General powers; experts; legal advice. To carry out the said purpose, the commissioners of the state reservation at Niagara are authorized and directed to make plans and to procure surveys and to take other necessary steps to extend the state reservation at Niagara, now located in the city of Niagara Falls at and immediately above and below the great cataract in the Niagara river, from its present limits southwardly to the city line of the city of Buffalo, near the shore of Lake Erie, except lands in the cities of Tonawanda and North Tonawanda, and northwardly to the land occupied by Fort Niagara at the mouth of Niagara river and on the shore of Lake Ontario. The said commissioners are authorized to employ expert assistants in making such plans. The

state engineer is directed to co-operate in making surveys and maps and furnishing information, and to charge the expense thereof to the funds provided by this act; and the attorney-general is directed to furnish necessary legal advice and assistance, and for this purpose he is authorized to appoint a special deputy attorney-general, and to fix his salary or compensation to be paid out of the funds herein provided, not exceeding the sum of five thousand dollars a year; and the state commissioner of highways is also directed to co-operate in carrying out the provisions of this act.

§ 4. Roads included in extension. In so extending the said reservation, the said commissioners may take over in whole or in part, the present river roads extending from end to end of the Niagara river and in general close to the bank thereof, but they shall have power to widen the said roads and to change the location thereof or to provide an additional road or roads, nearer to the river bank, where necessary or desirable, and for this purpose they may seek and obtain the co-operation of the cities of Niagara Falls, Buffalo, Tonawanda and North Tonawanda, within the limits of those cities, and of the villages through which said roads pass. The present roads so included, except within said cities, shall become part of the state reservation at Niagara and shall be designated at state highways and shall be constructed and maintained as other state highways are constructed and maintained; but the said commissioners shall have authority to protect and beautify the said roads, and preserve the same in all parts as beautiful parkways or riverways.

§ 5. Acquisition and improvement of parks and reserves. The said commissioners may also acquire tracts of land, of greater or less extent, of natural beauty and commanding position, lying between the said main river roads and the bank of the Niagara river, or adjacent to said river roads on either side, to be used as public parks and reserves, to be planted with trees and shrubs where this is necessary and restored to a state of natural beauty, with interior roads furnishing access to the bank of the river and to view points over the waters of the river. They shall select for this purpose suitable tracts of reasonable size, where the land can be acquired without cost or on reasonable terms. The interior

roads through such reserves shall be built, maintained and controlled entirely by the commissioners of the state reservation at Niagara.

§ 6. Manner of acquisition of land. The said commissioners shall have the right and power from time to time to acquire land for all such purposes, and also for widening, changing and improving the said main roads where this is necessary or desirable, either by gift or grant from any person, or by contracts of sale followed by conveyances, or by leases in perpetuity or for a term of years, or by licenses. They may also acquire by condemnation pursuant to the condemnation law any such land not devoted to railroad or power uses, and not held or intended for such uses. If the commissioners shall condemn any land, the proceedings shall not be binding until the price is so fixed, but the commissioners shall have discretion to take or reject the land after condemnation proceedings are concluded. All titles to such land, and all leases and licenses shall be taken in the name of the state of New York.

§ 7. Appropriation. It is the purpose of the state to expend in carrying out the provisions of this act moneys from the general fund of the treasury not exceeding five hundred thousand dollars; and the sum of fifty thousand dollars ($50,000) is hereby appropriated for such purposes.

§ 8. Charge on water power. To provide funds for the purposes of this act, in addition to the moneys hereinbefore authorized and apropriated, and for the improvement, maintenance and upkeep of the state reservation at Niagara, as so enlarged, and for further possible additions thereto and memorial structures thereon, a charge or rental is hereby imposed upon the right of the Niagara Falls Power Company, its successors or assigns, or any other person or corporation, to divert waters from the Niagara river in excess of fifteen thousand one hundred cubic feet per second for the purpose of power development, and also on all additional power acquired or developed by any person or corporation, as a result of the laws enacted by the legislature in nineteen hundred and eighteen, being chapters five hundred and ninety-six and five hundred and ninety-seven of the laws of that year or after that date as a result of any permit or grant now existing or hereafter made. Such charge or rental is hereby fixed

at the rate of fifty cents per horse power per annum for each additional horse power acquired or generated and developed since the passage of said acts, and shall be levied from and after the first day of January, nineteen hundred and twenty.

It shall be the duty of said company or other person or corporation to make a verified report to the state comptroller within sixty days after the thirtieth day of June, nineteen hundred and twenty, and within sixty days after the last day of each December and June thereafter, showing the amount of additional power so generated and developed by it for the semi-annual periods ending on said dates, and to accompany such report with payment of the charge or rental hereby imposed. The state comptroller is hereby authorized to cause such examination to be made in respect to the facts as he may deem necessary to ascertain the accuracy of such reports, and to require, in the event of inaccuracy, a corrected report and payment to be made accordingly.

§ 9. Moneys, how paid over. Moneys received from a water power charge or rental under this act shall be credited by the comptroller to a separate fund to be designated as the "War Memorial Fund, State Reservation at Niagara," and shall not be paid into the state treasury, but shall be deposited in a bank or trust company, as provided by the state finance law, and together with the interest thereon shall be paid by him to the commissioners of the state reservation at Niagara upon their requisition, signed by the president or vice-president and the treasurer of such commissioners, at such times and in such amounts as they may determine. Money appropriated by this act shall also be paid to such commissioners by the state treasurer on the warrant of the comptroller on the requisition of the commissioners signed by the president or vice-president and the treasurer of such commissioners, at such times and in such amounts as they may determine. The commissioners shall file with the state comptroller vouchers for all expenditures made by them from moneys received under this section.

§ 10. Expenditure of moneys. Moneys appropriated by this act or available from the said "War Memorial Fund, State Reservation at Niagara," may be expended by the commissioners in procuring advice and assistance, in procuring surveys and

maps, for legal and other purposes, and for acquiring lands by purchase, condemnation, lease or license, or for any of the purposes specified in this act, and for extending, improving and maintaining the said state reservation and creating the "New York State Memorial Riverways and Reserves," and for building suitable memorial gateways or other structures thereon.

§ 11. Nothing in this act contained shall in any way limit the right or power of the state to impose such other and further charge or rental for any diversion or use of the waters of the Niagara river as the legislature may direct.

Nor shall anything herein contained confer upon the commissioners of the state reservation at Niagara the right to grant any privilege for the diversion of the water of the Niagara river for power purposes or in any way to limit any right conferred by law to divert the waters of such river for any purpose.

§ 12. This act shall take effect immediately.

REPORT OF THE ACTING SUPERINTENDENT FOR THE FISCAL YEAR 1918-1919

Owing to severe wind storms during 1919, numerous trees estimated at about 100 were blown down on the State Reservation at Niagara. And the Comissioners decided to purchase machinery and convert the fallen timber into stove wood. The machinery was purchased, and consisted of a motor and a portable saw, the motor was attached to our electricl system and connected with the saw at a convenient location near the Labor Center. The fallen trees were reduced to logs and drawn to the mill, and a large quantity of wood was cut up into stove wood and sold.

During these storms two large trees were uprooted and one an old elm estimated to be about one hundred and fifty years old, and the other an ironwood estimated to be about one hundred years old, stood at an angle of about 45 degrees with their tops lodged against nearby trees. Our foreman conceived the idea of reclaiming them, and with cable and tackles drew them to an upright position with their roots in their original beds, covered the roots with good earth and weighted them down with large stones at the base of the trees, and we expect thus to reclaim them.

A number of conifers near the Cave of the Winds which were planted in 1911, and had gotten so crowded we removed part of them and transplanted them around the Labor Center.

In the early spring we received from the Conservation Commission 6,000 conifer transplants, these were placed in the small nursery for future transplanting.

On the road leading from the cross road on Goat Island to the Labor Center, at the request of Commissioner Schoellkopf, quantities of cinders were drawn in and all depressions were filled, thus forming a good road between these points, also creating an additional parkage for automobiles which was badly needed.

The site of the old barn and adjacent land was filled with good earth, fertilized and plowed and sown to oats, and later plowed again turning the oat stubble under for humus.

All of the large stone coping about this point were piled near the Labor Center.

In the early spring we ordered from the Conservation Commission two dozen pheasants and one dozen pheasant eggs, we received the eggs which did not prove fertile, also five chicks; they were placed on Goat island and mingled with those born there.

The drain pipes at the old number one Comfort station became badly clogged, and upon investigation it was found that the roots from adjacent trees had grown up through the waste tiles, and was the primary cause of the trouble. We found the greater part of the tiles broken, these we had to replace.

We had a number of standards made of wood each containing a printed copy of our rules and regulations, these standards have been removed, and copies of the rules and regulations have been placed under cover in each of the different buildings on the State Reservation.

During a severe storm a part of the Wing dam washed out, this was replaced by building a new dam twenty feet south of the old dam, the old dam had become obsolete.

Where the old dam broke through a strong stone and concrete sluiceway was made to take away the surplus water, also a sluiceway was cut through the retaining wall about one half way between the inlet and the outlet of the Wing dam, to take care of the extra flow which occurs in stormy weather. In building the dam over 100 loads of stone were placed at the base.

We were fortunate in securing 2,000 loads of earth, and from other sources cinders, earth, and other filling, 2,000 loads, making inclusively about 4,000 loads.

On the face frontage natural boulders were placed secure in a concrete bed.

The entire fill will make an addition to the Reservation of about 50 ft. by 165 ft. the dam was practically completed in the early spring.

The Durabul Sanitary Floor Company who had previously laid a Durabul floor over the concrete base at the Cave of the Winds building, and the said floor proving to be unsatisfactory, entered into an arrangement with the State Reservation at Niagara, whereby they offered to replace the floor at their own expense,

provided we prepare the base by removing the top floor which had deterioated very badly. One half to be done in the winter of 1919, the balance to be finished in the winter of 1920.

They completed the first part of the contract, and will finish the balance as agreed.

The tile roofing at the Cave of the Winds building leaked, new tiles were placed at the weak points and properly leaded, the work was done by Frank Butler & Sons, at a cost of $17.25.

The tile roofing on the Administration building was in bad condition, this was repaired by Frank Butler & Sons, at a cost of $238.53.

The chairs in the public waiting room in the Administration building were sent to an upholstering company, and repaired at a cost of $9.25.

The roads on the State Reservation at Niagara, have been sadly neglected for the last three years, the cause is due to insufficient funds.

The Commissioners of the State Reservation at Niagara on March 24, 1919, authorized Mr. Harold O. Wright, lessee of the Cave of the Winds, to repair the Biddle stairs and stairs above and below the same, putting all stairs from top of bank to the water edge, in a safe condition.

The following is the detail of the cost:

3,592 ft. 2 x 12 Y. P.	$179 60
1,052 ft 2 x 6 Y. P.	52 60
70 winders	42 00
402 iron wedges, 3′ x 8″ x 10″	60 30
161 4 x 4 scantling	1 50
2½ M shingles	16 88
60 ft. 1⅛ W. P.	4 80
300 ft. siding	15 00
370 ft. 2 x 4	18 50
3 iron braces and turnbuckles	18 00
40 ft. 1½ Y. P.	2 00
150 lb. nails	9 00
25 lb. tin	3 75

Labor:

Foreman	$73 00
Carpenters	198 36
Laborers	32 71
Scaffolding	11 00
	$739 00

C. H. ATWOOD,
Acting Superintendent.

TREASURER'S REPORT FOR THE FISCAL YEAR

1918-1919

(July 1, 1918, to June 30, 1919)

The Commissioners of the State Reservation at Niagara, in account with CLARENCE H. ATWOOD, Treasurer.

1918. Received from the Treasurer of the State of New York.	
First half July.— Chapter 151, Laws of 1918, payrolls	$1,705 21
Last half July.— Chapter 151, Laws of 1918, payrolls	1,669 47
First half Aug.— Chapter 151, Laws of 1918, payrolls	1,692 84
Last half Aug.— Chapter 151, Laws of 1918, payrolls	1,707 97
First half Sept.—Chapter 151, Laws of 1918, payrolls	1,489 34
Last half Sept.— Chapter 151, Laws of 1918, payrolls	1,602 77
July.— Accounts	324 42
August.—Accounts	408 64
September.— Accounts	535 27
First half Oct.— Chapter 151, Laws of 1918, payrolls	1,564 97
Last half Oct.— Chapter 151, Laws of 1918, payrolls	1,492 09
First half Nov.— Chapter 151, Laws of 1918, payrolls	1,506 59
Last half Nov.—Chapter 151, Laws of 1918, payrolls	1,501 08
First half Dec.— Chapter 151, Laws of 1918, payrolls	1,571 22
Last half Dec.— Chapter 151, Laws of 1918, payrolls	1,607 66
October.— Accounts	244 34
November.— Accounts	693 77
December.— Accounts	179 15
First half Jan.—Chapter 151, Laws of 1918, payrolls	1,505 84
Last half Jan.— Chapter 151, Laws of 1918, payrolls	1,722 38
First half Feb.— Chapter 151, Laws of 1918, payrolls	1,780 05
Last half Feb.— Chapter 151, Laws of 1918, payrolls	1,702 46
First half March.— Chapter 151, Laws of 1918, payrolls	1,801 35
Last half March.— Chapter 151, Laws of 1918, payrolls	1,789 00
January.— Accounts	204 93
February.— Accounts	307 18
March.— Accounts	515 54
First half April.— Chapter 151, Laws of 1918, payrolls	1,738 12
Last half April.— Chapter 151, Laws of 1918, payrolls	1,702 87
First half May.— Chapter 151, Laws of 1918, payrolls	1,615 51
Last half May.— Chapter 151, Laws of 1918, payrolls	1,663 63
First half June.— Chapter 151, Laws of 1918, payrolls	1,605 55
Last half June.— Chapter 151, Laws of 1918, payrolls	1,674 64
April.— Accounts	503 88
May.—Accounts	246 03
June.— Accounts	1,692 08
Total	$45,276 84

EXPENDITURES

Chapter 151, Part 1, Laws of 1918

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

Date 1918		Voucher	Name and Classification	Amount
July	1.	1	Administration, salaries, regular, payroll first half July	$272 50
		1	Division of police, salaries, regular, payroll first half July	412 47
		1	Division of police, wages, regular, payroll first half July	123 75
		1	Prospect Point elevator, wages, regular, payroll first half July	152 62
		1	Wages, temporary, payroll first half July	743 87
		2	Administration, salaries, regular, payroll last half July	272 50
		2	Division of police, salaries, regular, payroll last half July	412 47
		2	Division of police, wages, regular, payroll last half July	82 50
		2	Prospect Point elevator, wages, regular, payroll last half July	154 00
		2	Wages, temporary, payroll, last half July	475 75
		3	Administration, salaries, regular, payroll first half August	272 50
		3	Division of police, salaries, regular, payroll first half August	412 47
		3	Division of police, wages, regular, payroll first half August	123 75
		3	Prospect Point elevator, wages, regular, payroll first half August	152 62
		3	Wages, temporary, payroll first half August	445 50
		4	Administration, salaries, regular, payroll last half August	272 50
		4	Division of police, salaries, regular, payroll last half August	412 47
		4	Division of police, wages, regular, payroll last half August	123 75
		4	Prospect Point elevator, wages, regular, payroll last half August	154 00
		4	Wages, temporary, payroll last half August	426 25
		5	Administration, salaries, regular, payroll first half September	272 50
		5	Division of police, salaries, regular, payroll first half September	412 47
		5	Division of police, wages, regular, payroll first half September	82 50

Date 1918		Voucher	Abstract No. 1 — (*continued*) Name and Classification	Amount
July	1.	5	Prospect Point elevator, wages, regular, payroll first half September	$165 00
		5	Wages, temporary, payroll first half September.	354 75
		6	Administration, salaries, regular, payroll last half September	272 50
		6	Division of police, salaries, regular, payroll last half September	412 47
		6	Division of police, wages, regular, payroll last half September	82 50
		6	Prospect Point elevator, wages, regular, payroll last half September	165 00
		6	Wages, temporary, payroll last half September.	489 49
			Abstract No. 2	
		7	Administration, salaries, regular, payroll first half October	272 50
		7	Division of police, salaries, regular, payroll first half October	412 47
		7	Division of police, wages, regular, payroll first half October	82 50
		7	Prospect Point elevator, wages, regular, payroll first half October	165 00
		7	Wages, temporary, payroll first half October..	464 75
		8	Administration, salaries, regular, payroll last half October	272 50
		8	Division of police, salaries, regular, payroll last half October	412 47
		8	Division of police, wages, regular, payroll last half October	82 50
		8	Prospect Point elevator, wages, regular, payroll last half October	165 00
		8	Wages, temporary, payroll last half October...	559 62
		9	Administration, salaries, regular, payroll first half November	272 50
		9	Division of police, salaries, regular, payroll first half November	412 47
		9	Division of police, wages, regular, payroll first half November	165 00
		9	Prospect Point elevator, wages, regular, payroll first half November	130 00
		9	Wages, temporary, payroll first half November..	526 62
		10	Administration, salaries, regular, payroll last half November	$272 50
		10	Division of police, salaries, regular, payroll last half November	412 47

Abstract No. 2 — (*continued*)

Date 1918	Voucher	Name and Classification	Amount
July 1.	10	Division of police, wages, regular, payroll last half November	$165 00
	10	Prospect Point elevator, wages, regular, payroll last half November	130 00
	10	Wages, temporary, payroll last half November	521 11
	11	Administration, salaries, regular, payroll first half December	272 50
	11	Division of police, salaries, regular, payroll first half December	412 47
	11	Division of police, wages, regular, payroll first half December	165 00
	11	Prospect Point elevator, wages, regular, payroll first half December	130 00
	11	Wages, temporary, payroll first half December	591 25
	12	Administration, salaries, regular, payroll, last half December	272 50
	12	Division of police, salaries, regular, payroll last half December	412 47
	12	Division of police, wages, regular, payroll last half December	165 00
	12	Prospect Point elevator, wages, regular, payroll last half December	130 00
	12	Wages, temporary, payroll, last half December	627 69

Abstract No. 3

	13	Administration, salaries, regular, payroll first half January	$272 50
	13	Division of police, salaries, regular, payroll first half January	412 47
	13	Division of police, wages, regular, payroll first half January	123 75
	13	Prospect Point elevator, wages, regular, payroll first half January	165 00
	13	Wages, temporary, payroll first half January	532 12
	14	Administration, salaries, regular, payroll last half January	272 50
	14	Division of police, salaries, regular, payroll last half January	412 47
	14	Division of police, wages, regular, payroll last half January	165 00
	14	Prospect Point elevator, wages, regular, payroll last half January	165 00
	14	Wages, temporary, payroll last half January	499 12
	15	Administration, salaries, regular, payroll first half February	272 50

Abstract No. 3 — (*Continued*)

Date 1918	Voucher	Name and Classification	Amount
July 1.	15	Division of police, salaries, regular, payroll first half February	$412 47
	15	Division of police, wages, regular, payroll first half February	123 75
	15	Prospect Point elevator, wages, regular, payroll first half February	211 76
	15	Wages, temporary, payroll first half February	437 24
	16	Administration, salaries, regular, payroll last half February	327 50
	16	Division of police, salaries, regular, payroll last half February	412 47
	16	Division of police, wages, regular, payroll last half February	82 50
	16	Prospect Point elevator, wages, regular, payroll last half February	165 00
	16	Wages, temporary, payroll last half February	379 49
	17	Administration, salaries, regular, payroll first half March	227 50
	17	Division of police, salaries, regular, payroll first half March	449 14
	17	Division of police, wages, regular, payroll first half March	82 50
	17	Prospect Point elevator, wages, regular, payroll first half March	165 00
	17	Wages, temporary, payroll first half March	423 50
	18	Administration, salaries, regular, payroll last half March	227 50
	18	Division of police, salaries, regular, payroll last half March	407 89
	18	Division of police, wages regular, payroll last half March	82 50
	18	Prospect Point elevator, wages, regular, payroll last half March	165 00
	18	Wages, temporary, payroll last half March	596 74

Abstract No. 4

	19	Administration, salaries, regular, payroll first half April	$268 75
	19	Division of police, salaries, regular, payroll first half April	407 89
	19	Division of police, wages, regular, payroll first half April	82 50
	19	Prospect Point elevator, wages, regular, payroll first half April	165 00
	19	Wages, temporary, payroll first half April	813 98

Abstract No. 3—(*Continued*)

Date 1918	Voucher	Name and Classification	Amount
July 1.	20	Administration, salaries, regular, payroll last half April	$268 75
	20	Division of police, salaries, regular, payroll last half April	402 89
	20	Division of police, wages, regular, payroll last half April	82 50
	20	Prospect Point elevator, wages, regular, payroll last half April	165 00
	20	Wages, temporary, payroll last half April	783 73
	21	Administration, salaries, regular, payroll first half May	268 75
	21	Division of police, salaries, regular, payroll first half May	412 47
	21	Division of police, wages, regular, payroll first half May	82 50
	21	Prospect Point elevator, wages, regular, payroll first half May	165 00
	21	Wages, temporary, payroll first half May	686 79
	22	Administration, salaries, regular, payroll last half May	268 75
	22	Division of police, salaries, regular, payroll last half May	412 47
	22	Division of police, wages, regular, payroll last half May	82 50
	22	Prospect Point elevator, wages, regular, payroll last half May	165 00
	22	Wages, temporary, payroll last half May	734 91
	23	Administration, salaries, regular, payroll first half June	268 75
	23	Division of police, salaries, regular, payroll first half June	412 47
	23	Division of police, wages, regular, payroll first half June	82 50
	23	Prospect Point elevator, wages regular, payroll first half June	165 00
	23	Wages, temporary, payroll first half June	676 83
	24	Administration, salaries, regular, payroll last half June	268 75
	24	Division of police salaries, regular, payroll last half June	412 47
	24	Division of police, wages, regular, payroll last half June	82 50
	24	Prospect Point elevator, wages, regular, payroll last half June	165 00
	24	Wages, temporary, payroll last half June	398 75
	24	Repairs, payroll last half June	347 17
		Payrolls total	$36,355 48

EXPENDITURES

Chapter 151, Part 1, Laws of 1918

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

Date 1918		Voucher	Name and Classification	Amount
Aug.	12.	1	Adams & White Company, supplies	$15 66
		2	Allen Milling Company, supplies	58 70
		3	General Carbonic Co., supplies	75 00
		4	E. J. Martin, supplies	37 50
		5	Oliver A. Quayle, supplies	13 21
		6	Jacob Reeds' Sons, Inc., supplies	18 00
Sept.	10.	1	Allen Milling Company, supplies	53 40
		2	M. B. Butler, Inc, supplies	21 20
		3	Elderfield-Hartshorn Hdw. Co., supplies	26 70
		4	Niagara Searchlight Co., supplies	3 60
		5	William W. Ralyea & Son, supplies	27 50
		6	Stone-Hood Awning Co., supplies	45 00
		7	Robertson-Cataract Electric Co., supplies	58 50
		8	The Safety Insulated Wire & Cable Co., supplies.	100 70

Abstract No. 2

Oct.	5.	1	Elderfield-Hartshorn Hdw. Co., supplies	26 95
		2	Norden Electric Sign Co., supplies	20 67
		3	Robertson-Cataract Electric Co., supplies	1 15
Nov.	14.	1	Adams & White Company, supplies	2 50
		2	Adams & White Company supplies	25 55
		3	Allen Milling Company, supplies	48 50
		4	Cliff Electrical Distributing Co., supplies	234 16
		5	Elderfield-Hartshorn Hdw. Co., supplies	2 80
		6	Willard S. Gleason, D. V. M., supplies	14 75
		7	William J. Homer, supplies	6 89
		8	H. R. Kidney, supplies	25 62
		9	H. W. Littlefield, supplies	120 00
		10	Otis Elevator Company, supplies	30 00
		11	Oliver A. Quayle, supplies	32 50
		12	Robertson-Cataract Electric Co., supplies	36 00
		13	Roberts' Brothers Co., supplies	5 00
		14	John B. Trombly, supplies	10 75
Dec.	6.	1	Allen Milling Company, supplies	51 00
		2	Gilbert Beaton, supplies	24 90
		3	M. B. Butler, Inc., supplies	1 65
		4	Elderfield-Hartshorn Hdw. Co., supples	2 38
		5	J. B. Lyon Company, supplies	8 50
		6	Macbeth-Evans Glass Co., supplies	31 24
		7	Oliver A. Quayle, supplies	19 50
		8	Oliver A. Quayle, supplies	4 10

Date 1918		Voucher	Abstract No. 3 Name and Classification	Amount
Jan.	6.	1	Adams & White Company, supplies	$9 50
		2	J. B. Lyon Company, supplies	9 25
		3	J. B. Lyon Company, supplies	7 88
		4	William H. Moyer, A. & W., supplies	26 75
Feb.	5.	1	Adams & White Company, supplies	4 15
		2	Allen Milling Company, supplies	52 10
		3	Gilbert Beaton, supplies	58 80
		4	Elderfield-Hartshorn Hdw. Co., supplies	9 05
		5	Dr. H. H. Hodson, supplies	6 50
		6	J. B. Lyon Company, supplies	24 00
		7	Niagara Searchlight Co., supplies	4 80
		8	Otis Elevator Company, supplies	30 00
		9	Robertson-Cataract Electric Co., supplies	67 50
March	5.	1	Allen Milling Company, supplies	52 20
		2	A. P. W. Paper Co., supplies	131 50
		3	M. B. Butler, Inc., supplies	3 75
		4	Elderfield-Hartshorn Hdw. Co., supplies	74 59
		5	M. E. Harris, supplies	5 25
		6	Oliver A. Quayle, supplies	16 00
		7	Oliver A. Quayle, supplies	72 00
			Abstract No. 4	
May	9.	1	Adams & White Company, supplies	13 19
		2	Dobbie Foundry & Machine Co., supplies	35 38
		3	Elderfield-Hartshorn Hdw. Co., supplies	57 90
		4	M. E. Harris, supplies	8 65
		5	J. B. Lyon Company, supplies	39 89
		6	Otis Elevator Company, supplies	30 00
		7	William W. Ralyea & Son, supplies	21 25
		8	C. D. Reese Co., Inc., supplies	43 10
		9	Robertson-Cataract Electric Co., supplies	36 00
		10	Wahl Printing & Binding Co., Inc., supplies	6 25
June	10.	1	Allen Milling Company, supplies	51 50
		2	Gilbert Beaton, supplies	25 60
		3	Henry Chormann, supplies	5 55
		4	Dobbie Foundry & Machine Co., supplies	11 60
		5	Elderfield-Hartshorn Hdw. Co., supplies	36 77
		6	Haeberle Lumber Company, supplies	17 95
		7	D. Lynch's Sons, supplies	9 00
		8	J. B. Lyon Company, supplies	4 90
		9	Standard Oil Co. of N. Y., Star Oil Works, supplies	9 38
July	3.	1	Adams & White Company supplies	6 50
		2	Allen Milling Company supplies	54 20
		3	Allen Milling Company supplies	54 50
		4	Gilbert Beaton, supplies	39 55
		5	Henry Chormann, supplies	2 30
		6	Elderfield-Hartshorn Hdw. Co., supplies	17 34
		7	Elderfield-Hartshorn Hdw. Co., supplies	127 65

Abstract No. 4 — (*Continued*)

Date 1918		Voucher	Name and Classification	Amount
July	3.	8	General Carbonic Company, supplies	$26 00
		9	General Carbonic Company, supplies	12 00
		10	Mitchell Builders Supply Co., Inc., supplies	4 80
		11	Niagara Searchlight Company, supplies	4 20
		12	Otis Elevator Company, supplies	35 40
		13	B. G. Pratt Co., supplies	18 00
		14	Patterson-Thompson Co., supplies	3 20
		15	Romer Axe Company, supplies	52 25
		16	Robertson-Cataract Electric Co., supplies	67 50
		17	Robertson-Cataract Electric Co., supplies	8 75

Abstract No. 5

July	12.	1	Allen Milling Company, supplies	53 40
		2	Niagara Searchlight Co., supplies	3 60
		3	Fred B. Peck, supplies	2 00
		4	Oliver A. Quayle, supplies	2 70
		5	Oliver A. Quayle supplies	7 55
		6	Robertson-Cataract Electric Co., supplies	31 50
		7	William F. Voelker, supplies	20 45
		8	William Young, supplies	14 80
Aug.	12.	1	Gilbert Beaton, supplies	28 25
		2	Elderfield-Hartshorn Hdw. Co., supplies	18 16
		3	Otis Elevator Company, supplies	30 00
			Total supplies	$3,217 71

EXPENDITURES

Chapter 151, Part 1, Laws of 1918

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

July	12.	9	Harry K. Eckert, traveling expenses	$2 00
		10	A. T. Clearwater, traveling expenses	43 00
		11	Thomas W. Meachem, traveling expenses	15 30
Aug.	12.	7	Harry K. Eckert, traveling expenses	5 00
Sept.	10.	9	Tracy G. Levee, traveling expenses	2 18

Abstract No. 2

Oct.	5.	4	A. T. Clearwater, traveling expenses	44 45
		5	Tracy G. Levee, traveling expenses	1 83
		6	Thomas W. Meachem, traveling expenses	17 79
Nov.	14.	15	Harry K. Eckert, traveling expenses	2 35
Dec.	6.	9	Tracy G Levee, traveling expenses	2 08

Abstract No. 3

Jan.	6.	5	Clarence H. Atwood, traveling expenses	44 36
		6	Tracy G. Levee, traveling expenses	4 16
		7	Ansley Wilcox. traveling expenses	38 31
Feb.	5.	10	Tracy G. Levee, traveling expenses	4 16

Abstract No. 3 — (*Continued*)

Date 1918		Voucher	Name and Classification	Amount
March	5.	8	Clarence H. Atwood, traveling expenses.....	$30 84
		9	Harry K. Eckert, traveling expenses.....	35 74
		10	Paul A. Schoellkopf, traveling expenses.....	76 07

Abstract No. 4

April	9.	11	A. T. Clearwater, traveling expenses.....	52 80
		12	Tracy G. Levee, traveling expenses.....	4 26
May	10.	10	Tracy G. Levee, traveling expenses.....	4 80
June	5.	18	A. T. Clearwater, traveling expenses.....	61 38
		19	Tracy G. Levee, traveling expenses.....	4 60
			Total traveling expenses.....	$497 46

EXPENDITURES

Chapter 151, Part 1, Laws of 1918

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

July	12.	12	Harry K. Eckert, communication.....	$4 73
		13	New York Telephone Co. communication.....	7 50
Aug.	12.	8	Harry K. Eckert, communication.....	28 32
		9	New York Telephone Co., communication.....	6 45
		10	New York Telephone Co., communication.....	6 70
		11	Western Union Telegraph Co., communication..	3 75
Sept.	10.	10	Clarence H. Atwood, communication.....	5 00
		11	New York Telephone Co., communication.....	8 60
		12	Western Union Telegraph Co., communication..	3 77
		13	William Young, communication.....	7 96

Abstract No. 2

Oct.	5.	7	Clarence H. Atwood, communication.....	17 58
		8	Western Union Telegraph Co., communication..	4 83
		9	William Young, communication.....	3 01
Nov.	14.	16	Clarence H. Atwood, communication.....	1 40
		17	New York Telephone Co., communication.....	7 50
		18	New York Telephone Co., communication.....	7 25
		19	Western Union Telegraph Co., communication..	6 93
		20	William Young, communication.....	9 27

Abstract No. 3

1919				
Jan.	6.	8	Clarence H. Atwood, communication.....	1 54
		9	Harry K. Eckert, communication.....	20 00
		10	New York Telephone Co., communication.....	8 65
		11	Western Union Telegraph Co., communication..	1 72
		12	William Young, communication.....	3 20

Abstract No. 3 — (*Continued*)

Date 1919		Voucher	Name and Classification	Amount
Feb.	5.	11	Clarence H. Atwood, communication.....	$2 00
		12	Harry K. Eckert, communication.....	10 00
		13	New York Telephone Co., communication.....	6 70
		14	Western Union Telegraph Co., communication..	3 75
March	5.	11	Clarence H. Atwood, communication.....	10 00
		12	New York Telephone Co., communication.....	7 60

Abstract No. 4

May	9.	13	Clarence H. Atwood, communication.....	8 96
		14	New York Telephone Co., communication.....	6 25
		15	Western Union Telegraph Co., communication..	3 75
June	10.	11	Clarence H. Atwood, communication.....	12 79
		12	General Carbonic Co., communication.....	8 64
		13	New York Telephone Co., communication.....	6 90
		14	William Young, communication.....	1 25
July	3.	20	Clarence H. Atwood, communication.....	11 44
		21	New York Telephone Co., communication.....	7 85
		22	Western Union Telegraph Co., communication..	2 67
		23	William Young, communication.....	3 12
			Total communications	$289 33

EXPENDITURES

Chapter 151, Part 1, Laws of 1918

CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 1

July	12.	1	The Concrete Stone & Coal Co., repairs.....	$16 25
		2	The Concrete Stone & Coal Co., repairs.....	16 25
		3	Elderfield-Hartshorn Hdw. Co., repairs.....	44 01
		4	Haeberle Lumber Co., repairs.....	1 00
		5	George Landes, repairs.....	11 90
		6	B. L. Moone, repairs.....	5 10
		7	River Sand Co., Inc., repairs.....	21 38
Aug.	12.	1	The Concrete Stone & Coal Co., repairs.....	25 90
		2	Elderfield-Hartshorn Hdw. Co., repairs.....	19 64
		3	Haeberle Lumber Co., repairs.....	3 77
		4	River Sand Co., Inc., repairs.....	14 63
Sept.	10.	1	The Concrete Stone & Coal Co., repairs.....	16 25
		2	The Concrete Stone & Coal Co., repairs.....	16 25
		3	Dobbie Foundry & Machine Co., repairs.....	3 00
		4	Elderfield-Hartshorn Hdw. Co., repairs.....	119 43
		5	Mitchell Builders Supply Co., Inc., repairs.....	4 50
		6	B. L. Moone, repairs.....	3 85
		7	River Sand Co., Inc., repairs.....	7 88

Date		Abstract No. 1—(*Continued*)	
1918	Voucher	Name and Classification	Amount
Sept. 10.	1	Payroll last half of July, repairs	$272 25
	2	Payroll first half August, repairs	286 00
	3	Payroll last half August, repairs	319 00
	4	Payroll first half September, repairs	202 12
	5	Payroll last half September, repairs	180 81
		Abstract No. 2	
Oct. 5.	1	Concrete Stone & Coal Co., repairs	32 50
	2	Elderfield-Hartshorn Hdw. Co., repairs	65 70
	3	River Sand Co., Inc., repairs	7 88
Nov. 14.	1	Henry Chormann, repairs	1 80
	2	Concrete Stone & Coal Co., repairs	24 10
	3	M. E. Harris, repairs	21 90
	4	River Sand Co., Inc., repairs	16 25
Dec. 6.	1	M. E Harris, repairs	1 50
	2	Haeberle Lumber Company, repairs	17 30
	3	Van Kannal Revolving Door Co., repairs	15 00
	7	Payroll first half October, repairs	167 75
1919		Abstract No. 3	
Jan. 6.	1	Henry Chormann, repairs	8 25
	2	Elderfield-Hartshorn Hdw. Co., repairs	21 36
Feb. 5.	1	Henry Chormann, repairs	11 45
	2	A. V. Simpson, repairs	12 22
	14	Payroll last half January, 1919, repairs	208 29
	15	Payroll first half February, 1919, repairs	331 33
	16	Payroll last half February, 1919, repairs	335 50
	17	Payroll first half March, 1919, repairs	453 71
	18	Payroll last half March, 1919, repairs	309 37
		Abstract No. 4	
April 7.	1	Haeberle Lumber Company, repairs	88 55
	2	George Landes, repairs	23 20
	3	McGarigle Machine Co., repairs	24 50
June 19.	1	George Landes, repairs	30 15
	2	Niagara Upholstering Co., repairs	9 25
July 3.	1	B. L. Moone, repairs	12 25
	2	Harold O Wright, repairs	739 00
	3	Payroll, repairs	315 63
		Total repairs	$4,916 86

RECAPITULATION

Expenditures

Payrolls	$36,355 48
Supplies	3,217 71
Traveling expenses	497 46

Communication	$289 33
Repairs	4,916 86
	$45,276 84
Payment from the State Comptroller	$45,276 84

SALARIES OF EMPLOYEES IN MILITARY SERVICE

Chapter 435, Laws of 1917

Date 1918		Abstract No. 1 Name	Amount
July	15.	Leonard G. Dallas, military payroll July, 1918....	$72 00
		Edward W. Dolan, military payroll July, 1918....	52 50
Aug.	15.	Leonard G. Dallas, military payroll August, 1918..	72 00
		Edward W. Dolan, military payroll August, 1918..	52 50
Sept.	15.	Leonard G. Dallas, military payroll September, 1918	72 00
		Edward W. Dolan, military payroll September, 1918	52 50
		Abstract No. 2	
Oct.	15.	Leonard G. Dallas, military payroll October, 1918..	72 00
		Edward W. Dolan, military payroll October, 1919..	52 50
Nov.	15.	Leonard G. Dallas, military payroll November, 1918.	72 00
		Edward W. Dolan, military payroll November, 1918.	52 50
Dec.	15.	Leonard G. Dallas, military payroll December, 1918.	72 00
		Edward W. Dolan, military payroll December, 1918.	52 50
1919		Abstract No. 3	
Jan.	15.	Edward W. Dolan, military payroll January, 1919..	52 50
Feb.	15.	Edward W. Dolan, military payroll February, 1919.	52 50
April	15.	Edward W Dolan, military payroll March, 1919....	64 50
			$916 50
Direct payments made by the State Comptroller			$916 50

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA

CLARENCE H. ATWOOD, *Treasurer*

Record of receipts for the fiscal year 1918–1919 from the Concessionaires:

Prospect Point elevator	$12,093 90
International railway	1,000 00
Reservation carriage service	100 00
Maid of the Mist	600 00
Cave of the Winds	5,495 87
Wood	99 00
	$19,388 77

Record of transfers of above receipts to the Treasurer of the State of New York:

Aug.	2, 1918	$2,907 45
Sept.	3, 1918	3,411 85
Oct.	2, 1918	6,566 57
Nov.	1, 1918	413 25
Dec.	2, 1918	285 25
Jan.	2, 1919	1,274 20
Feb.	3, 1919	275 90
March	3, 1919	428 15
April	2, 1919	419 10
May	1, 1919	431 65
June	2, 1919	896 80
July	1, 1919	2,078 60
		$19,388 77

STATE OF NEW YORK,
COUNTY OF NIAGARA, } *ss.:*

Clarence H. Atwood, being duly sworn, deposes and says, that he is the Treasurer of the Commissioners of the State Reservation at Niagara, and that the above report, made by him as such Treasurer, for the fiscal year 1918–1919, is correct and true to the best of his knowledge.

C. H. ATWOOD,
Treasurer.

Sworn to before me, this 26th
day of November, 1919.

JOHN W. BROPHY,
Notary Public.

We, the undersigned Commissioners of the State Reservation at Niagara, hereby audit the foregoing accounts, at the several amounts named.

A. T. CLEARWATER,
PAUL A. SCHOELLKOPF,
ANSLEY WILCOX,
ROBERT W. DE FOREST,
ROBERT H. GITTINS.

Legislative Document (1921) No. 30

STATE OF NEW YORK

THIRTY-SEVENTH ANNUAL REPORT

OF THE

COMMISSIONERS

OF THE

STATE RESERVATION AT NIAGARA

For the Fiscal Year, July 1, 1919 to
June 30, 1920

ALBANY
J. B. LYON COMPANY, PRINTERS
1921

First Sister Island and Connecting Bridges.

Legislative Document (1921) No. 30

STATE OF NEW YORK

THIRTY-SEVENTH ANNUAL REPORT

OF THE

COMMISSIONERS

OF THE

STATE RESERVATION AT NIAGARA

For the Fiscal Year, July 1, 1919 to
June 30, 1920

ALBANY
J. B. LYON COMPANY, PRINTERS
1921

STATE OF NEW YORK,

OFFICE OF THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA,

NIAGARA FALLS, N. Y., *January* 1, 1921.

HON. EDMUND H. MACHOLD, *Speaker of the Assembly:*

SIR.— By direction of the Commission, I have the honor, as required by law, to transmit to the Legislature the thirty-seventh annual report of the Commissioners of the State Reservation at Niagara for the fiscal year July 1, 1919, to June 30, 1920.

Respectfully,

ALPHONSO T. CLEARWATER,

President.

STATE RESERVATION COMMISSION AT NIAGARA

MEMBERS OF THE COMMISSION

Alphonso T. Clearwater,
President,
Paul A. Schoellkopf,
Ansley Wilcox,
Robert W. DeForest,
Robert H. Gittins.

OFFICERS OF THE COMMISSION

President . . . . . Alphonso T. Clearwater, LL. D.
Secretary and Treasurer . . . . . Clarence H. Atwood
Superintendent . . . . . Emil R. Waldenberger

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA

The following is the list of Commissioners and officers with the term of service of each:

Commissioners	Confirmed	Retired
Andrew H. Green of New York	May 2, 1883	Nov. 13, 1903*
William B. Dorsheimer of Rochester	May 2, 1883	March 26, 1888*
Martin B. Anderson of Rochester	May 2, 1883	May 11, 1888
J. Hampden Robb of New York	May 2, 1883	Nov. 10, 1887†
Sherman S. Rogers of Buffalo	May 2, 1883	May 11, 1888
John M. Bowers of New York to succeed William B. Dorsheimer	May 11, 1888	March 25, 1898
James Mooney of Buffalo to succeed J. Hampden Robb	May 11, 1888	March 22, 1893
John Hodge of Lockport to succeed Sherman S. Rogers	May 11, 1888	March 22, 1893
William B. Watson of Utica to succeed Martin B. Anderson	May 11, 1888	Feb. 12, 1889†
Daniel Batchelor of Utica to succeed William B. Watson	Feb. 12, 1889	Dec. 12, 1893*
Robert L. Fryer of Buffalo to succeed James Mooney	March 22, 1893	March 25, 1898
William Hamilton of Caledonia to succeed John Hodge	March 22, 1893	March 25, 1898
George Raines of Rochester to succeed Daniel Batchelor	Dec. 27, 1893	Nov. 22, 1908*
Alexander J. Porter of Niagara Falls to succeed John M. Bowers	March 25, 1898	Dec. 21, 1910†
Thomas P. Kingsford of Oswego to succeed Rober L. Fryer	March 25, 1898	March 27, 1914†
Charles M. Dow of Jamestown to succeed William Hamilton	March 25, 1898	March 27, 1914†
Alvah K. Potter of Lockport to succeed Andrew H. Green	Nov. 27, 1903	Jan. 30, 1907†
William B. Howland of New York to succeed George Raines	Feb. 3, 1909	March 26, 1917*
Eugene M. Cary of Niagara Falls to succeed Alvah K. Potter	June 11, 1908	March 27, 1914†
Thomas W. Meacham of Syracuse to succeed Alexander J. Porter	Dec. 30, 1910	Nov. 13, 1918†

* Died in office.

† Resigned.

Commissioners	Confirmed	Retired
Oliver Cabana, Jr., of Buffalo, to succeed Charles M. Dow	March 27, 1914	Jan. 25, 1915†
George J. Meyer of Buffalo to succeed Thomas P. Kingsford	March 27, 1914†	
Andrew Cuneo of Scarsdale to succeed Eugene M. Cary	March 27, 1914	March 4, 1916†
Paul A. Schoellkopf of Niagara Falls to succeed Oliver Cabana, Jr	March 25, 1915	Incumbent
Alphonso T. Clearwater of Kingston to succeed Andrew Cuneo	April 9, 1916	Incumbent
Ansley Wilcox of Buffalo to succeed William B. Howland	March 16, 1917	Incumbent
Robert W. DeForest of New York to succeed Thomas W. Meachem	Nov. 13, 1918	Incumbent
Robert H. Gittins to succeed George J. Meyer	July 21, 1919	Incumbent

President	Elected	Retired
M. B. Anderson, Rochester	May 29, 1883	June 9, 1883†
William Dorsheimer, Buffalo	June 9, 1883	March 26, 1888*
Andrew H. Green, New York	May 26, 1888	Nov. 13, 1903*
Charles M. Dow, Jamestown	Dec. 22, 1903	March 27, 1914†
William B. Howland, New York	April 21, 1914	Feb. 26, 1917*
Thomas W. Meachem, Syracuse	May 1, 1917	April 26, 1918†
A. T. Clearwater, Kingston	April 26, 1918	Incumbent

Secretary and Treasurer	Appointed	Retired
J. Hampden Robb, New York	May 29, 1883	Nov. 22, 1883†
Leighton Williams, New York	Nov. 22, 1883	Jan. 1, 1887†
David Gray, Buffalo	Jan. 1, 1887	Jan. 30, 1888†
Henry E. Gregory, New York	Jan. 30, 1888	Jan. 30, 1899†
Richard F. Rankin, Niagara Falls	Jan. 30, 1899	Feb. 1, 1900†
Peter A. Porter, Jr., Niagara Falls	Feb. 1, 1900	Oct. 1, 1903†
Thomas V. Welch, Niagara Falls	Oct. 1, 1903	Oct. 20, 1903*
Edward H. Perry, Niagara Falls:		
As Secretary	Dec. 22, 1903	
As Treasurer	Oct. 1, 1903	May 23, 1910*
Clarence H. Atwood, Buffalo:		
As Treasurer	Aug. 10, 1911	Incumbent
As Secretary	Dec. 19, 1918	
Harry K. Eckert, Buffalo:		Retired
As Secretary	April 16, 1912	Dec. 19, 1918†

Superintendent	Appointed	Retired
Thowas V. Welch, Niagara Falls	July 16, 1885	Oct. 20, 1903*
Edward H. Perry, Niagara Falls	Dec. 22, 1903	May 23, 1910*
William E. Harries, Buffalo	Aug. 3, 1910	April 16, 1912†
Harry K. Eckert, Buffalo	April 16, 1912	March 1, 1919†
Emil R. Waldenberger, New York	July 1, 1919	Incumbent

* Died in office.

† Resigned.

Prospect Point.

ANNUAL REPORT

NIAGARA FALLS, N. Y., *January* 1, 1921.

To the Honorable, the Legislature of the State of New York:

GENTLEMEN.— As required by law, the Commissioners of the State Reservation at Niagara have the honor herewith to submit their report for the fiscal year from July 1, 1919, to June 30, 1920, this being their Thirty-Seventh Annual Report.

CHANGE IN THE MEMBERSHIP OF THE COMMISSION

The Hon. George M. Meyer, who became a member of the Commission on the 27th day of March, 1914, and served with great distinction, died at his residence in Buffalo on the 13th day of July, 1919, and the Hon. Robert H. Gittins, of Niagara Falls, was appointed Commissioner in his stead. At a meeting of the Commission, held at the Reservation building at Niagara Falls on Saturday the 18th of October, 1919, the following memorandum and resolution relative to the death of Commissioner Meyer was unanimously adopted:

> It is with profound sorrow that the Commissioners record this expression of their regret at the death of the Honorable George J. Meyer, long a member of the Commission.
>
> He was a man of the highest personal character, with punctilious ideals of honor, and in every respect a zealous co-worker with the Commission, and in the conservation of the natural beauties of Niagara.
>
> Deeply interested in everything that concerns the scenic grandeur of the great cataract, he warmly sympathized with the efforts of the Commission to extend its boundaries in honor of the soldiers and sailors who fought in the great world war.
>
> Always courteous and affable, he brought to the consultations of the Commission a charm of manner and sagacity of judgment which made him an invaluable addition to our number, and to the officials of the State. His death is a loss to the Commission and the Commonwealth.
>
> Resolved, That this memorandum be entered in full upon the minutes of the Commission, and that an engrossed copy, duly attested by the President and Secretary, be forwarded to the family of Mr. Meyer.

The Proposed Memorial to New York Soldiers and Sailors in the World War

In the hope of carrying into effect the intention expressed in our last annual report, we cause to be introduced in both houses of the Legislature an act providing for the acquisition of lands for the establishment of a State Park as a permanent memorial of the patriotism and devotion of the soldiers and sailors from this State who served in the army and navy of the United States during the world war, a copy of which as finally revised appears as Appendix A.

The Legislature, to our regret, was of the opinion that the demands upon the State treasury were so exigent and imperative a character as to prevent the enactment of the proposed bill into law. The Commission still is of the opinion that no finer or more appropriate monument to the patriotism and heroism of the flower of our youth, and none more in keeping with the magnitude of the services rendered, the sacrifices made, and becoming the dignity of a great commonwealth than the creation and maintenance along the international boundary of a great riverway, which should be free to the citizens of all the nations of the earth, could be made, and without desiring unduly to be insistent, we again commend the consideration of the construction of such a riverway to your favorable consideration, and again direct your attention to the provisions of the act of the Dominion Parliament by which the Queen Victoria Niagara Falls Park Commission of Ontario derives a stated and substantial revenue from the taxation of the hydro-electric power companies located upon the Canadian side of the Niagara river, for the enlargement and improvement of the superb park system under their control, to which we referred in our last annual report. Again we say we see no reason why a moderate charge of a similar character should not be imposed upon the power plants upon the American side, and the revenue derived therefrom placed at the disposal of this Commission for the purpose of enabling it largely to improve the State Reservation, and to carry out its suggested plan for the creation of such Memorial riverways and reserves extending along the river from Lake Erie to Lake Ontario, with suitable structures, and thus to create that permanent and fitting memorial, the creation of which we heretofore and again so strongly urge.

You will find upon pages eight and nine of our last annual report a compressed statement of the taxes which the power companies in this State along the bank of the Niagara river are now liable to pay. To repeat they are:

a. Federal income tax,
b. Federal capital stock tax,
c. Federal excess profits tax,
d. State gross earnings tax,
e. City and school taxes, or other local assessments, including assessments for special franchise, Federal, State and county taxes on a like assessment,

besides such taxes as they may pay upon their issue of capital stock and bonds.

Taking all these factors into consideration, we are of the opinion a moderate additional charge for the purposes to which we have referred, would not be unduly burdensome, or its imposition resented by the corporations enjoying the privileges which enable them to divert water from the Niagara river.

The Continued and Rapid Recession of the Apex of the Horseshoe Falls

Again we remind you that this recession is proceeding at the rate of substantially sixty-two inches a year, and again we urgently press the immediate and favorable consideration of the report made to the chief engineer of the United States Army, by General, then Major Kellar, on the 30th day of November, 1908, proposing the construction of a submerged dam in the river above the horseshoe falls, with the view of diverting a portion of the volume of water from the deepest part of the channel and spreading it out over the shallower portion nearest the shore. Such a dam would diminish the erosin of the apex, and improve the appearance of the new impoverished margins. We repeat, also, that we are informed and believe that if this work be sanctioned by the State and Federal governments, practically the greater part of the expense involved willingly would be borne by the power companies at the Falls. The dam could be con-

structed of irregular and rough surfaced concrete blocks, so tinted and placed as to blend with and appear to be a part of the rock foundation of the bed of the river.

The Increasing Necessity of an Elevator at the Cave of the Winds

It is lamentable that it should be necessary for the Commission repeatedly to be compelled to call attention to the necessity of an elevator at the Cave of the Winds, the only access to which now is, as for the last 90 years has been, the obsolete Biddle stairs of 190 steps surrounding a center post descending in an ancient wooden tower. The concession for the use of such an elevator would furnish a revenue to the State beside affording a great public accommodation. When it is considered that over 2,000,000 persons visited the cataract during the past twelve months, and that Niagara is regarded by all the people of the civilized world as one of the greatest natural wonders of the globe; that the State of New York is in fact, as well as in name, the Empire State of the Republic, justly regarding itself as the dominating government of the civilized and barbaric world, it seems as grotesque as it is humiliating that no modern means of access to one of the most impressive features of the cataract has been constructed.

It became apparent in the spring of 1920 that a new drying house was imperative; that the existing house of wood was highly inflammable, and so situated that in event it should take fire and a heavy wind be blowing, there was immediate danger not only of the destruction of the existing structure, but of a large part of the beautiful forest on Goat Island. No appropriation having been made by the Legislature for its construction, the President of the Commission called upon the Comptroller on the 28th day of April, 1920, and suggested to him that he ask the opinion of the attorney-general as to his, the comptroller's, authority to permit the construction of a new dry house under such arrangement. The comptroller requested Mr. Clearwater on his behalf to prepare for him a letter to the attorney-general, describing the

Luna Island and American Fall, as Viewed from Goat Island.

situation and its necessities of a new drying house. He at once did prepare, and the comptroller sent to the attorney-general over his signature, the following letter:

April 28, 1920.

HON. CHARLES D. NEWTON, *Attorney-General, Albany, N. Y.:*

MY DEAR MR. ATTORNEY-GENERAL:— I beg to present for your consideration the following facts:

The Commissioners of the State Reservation at Niagara, for many years acting under the approval of previous Attorney-Generals and Comptrollers, have granted to a con cessionaire the privilege of guiding visitors to the cataract and to the Cave of the Winds which as you are aware, is situated substantially beneath the American Falls.

The approach to this place is by the Biddle Stairway, a structure erected and presented to the State by Nicholas Biddle of Philadelphia, in 1810. In order to reach the Cave of the Winds it is imperative that visitors denude themselves of all clothing and clothe themselves with a suit of flannel clothes and felt slippers which are provided by the concessionaire. These garments, in the course of the trip, become saturated to the limit with the mist from the cataract. Under the rules of the Commission, when taken off by the visitors, the clothing must be thoroughly washed and dried.

There is on the reservation an old drying house, constructed of wood, heated with steam, which is antiquated and out worn. It has twice taken fire, and should it burn during the prevalence of a wind, from almost any direction, unquestionably would destroy a large portion of the beautiful native forest which clothes Goat Island, and which it has been the policy of the State, since it obtained title to the reservation, carefully to preserve in its original form.

The increasing number of visitors, the insufficient room afforded by the present drying house, the dangerous character of its construction and the peril incident to its destruction by fire have led the Commission to the conclusion that it should be replaced by a larger concrete structure.

They are without the means or appropriation now to make this change. The present concessionaire whose custom it is, under the rule which has existed for years, to retain for his services and expenditures in furnishing the clothing for the visit to the Cave of the Winds and guides to guide to insure the safety of the visitors to that place, proposes, with the

consent of the Commissioners of the Reservation, the State Architect, the Attorney-General and the Comptroller, to erect a new drying house in place of the existing one at a cost of approximately ten thousand dollars, and to retain from the money received by him during a proper period of time such a proportion of the receipts as may be agreed upon to repay himself for the money expended in the erection of the new structure.

The plans for the new drying house have been submitted to the State Architect who approves as to form, plan, design and material of construction, and has referred the matter to me for my approval, under the statute.

The question presented, therefore, for my consideration and yours, is: Is it permissible, under the provisions of the finance law, that this plan should be carried out in the manner indicated, or can you suggest another plan within the provisions of the statute which will enable the Commissioners of the reservation and the concessionaire immediately to arrange for the construction of this new drying house, which, I am informed and believe to be absolutely essential both for the accommodation of the increased number of visitors to the reservation and for the protection of the beautiful and unexampled forests clothing Goat Island.

In order to assist you in reaching an immediate conclusion, permit me to direct your attention to sections 35 and 37 of the State Finance Law, and make it clear that the amount now to be reserved by the concessionaire for the payment of the cost of the construction of the new drying house is to be deducted from that share of the receipts of the concessionaire which otherwise would be paid into the state treasury, under the terms of his contract. In view of the rapid approach of the visiting season, may I ask you to give this matter your immediate attention?

Very truly yours,

EUGENE M. TRAVIS,

Comptroller.

To this the Attorney-General replied as follows:

STATE OF NEW YORK — OFFICE OF THE ATTORNEY-GENERAL.

ALBANY, *April* 30, 1920.

Hon. EUGENE M. TRAVIS, *State Comptroller, Albany, N. Y.:*

DEAR SIR.— Your letter of April 28th, states that the Commissioners of the State Reservation at Niagara have here-

Bridge Connecting Mainland With Islands.

tofore and for many years past granted a concession for the guiding of tourists to the Cave of the Winds. Under a five-year contract with the concessionaire made in 1910, a rest house and public comfort station was constructed at a cost of about $20,000, the concessionaire erecting the building at his expense in lieu of paying rental for his privilege. It is proposed that a new drying house be erected, a drying house being used for washing and drying the clothing which is of necessity worn by all tourists who visit the Cave of the Winds.

Under the last contract made with the concessionaire in 1918, receipts in excess of a certain amount were to be paid to the State. The concessionaire will now erect a new drying house "at a cost of approximately $10,000 and retain from the money received by him during a proper period of time such a proportion of the receipts as may be agreed upon to repay him for the money expended in the erection of the new structure." You ask whether such an arrangement is permissible under the statutes.

The plan by which the rest house was built was approved by Attorney-General O'Malley in an opinion rendered on January 19, 1910 (Opinions, p. 821), and the present plan for the building of a new drying house is of no different character.

The power to grant the concession of taking tourists to the Cave of the Winds by reliable guides was based upon reasons of public safety. As the rents to be received from a concession are in the absence of fraud or bad faith entirely within the discretion of the Commissioners, the authority of the Commissioners to enter into the former arrangement for the construction of the rest house was founded principally upon their general power to manage and maintain the reservation, contained in section 102 of the Public Lands Law.

There is some doubt in my mind whether sufficient of authority existed to uphold the former ruling of the Attorney-General in view of the provision in section 102 of the Public Lands Law which requires the Commissioners "to pay into the treasury of the State on the first day of each month all receipts and earnings of whatever nature other than receipts from the State Treasurer" and that in their anuual report to the Legislature they must give "an estimate of the work necessary to be done" (section 106), leaving an inference that the concessions should be let for money rentals and not in exchange for construction work. However, in view of the fact that Attorney-General O'Malley has once

passed upon this question and in view of the fact that any construction absolutely essential to the use of the concession are inherently a part of the lease, I am constrained to hold that the Commissioners may sanction the erection of a new drying house by the concessionaire and may, as the building will become the property of the State and will be of great benefit to the public in the enjoyment of the reservation, reduce or forego the rental as a means of accomplishing this end.

If, therefore, we concede the power in the Commissioners to fix a rental at any figure however small, or no rental at all, there can be no violation of section 37 of the Finance Law, for it operates according to its terms only upon moneys *actually* received by the Commissioners. Nor will section 35 of the Finance Law be violated since no money obligation or indebtedness is incurred by the Commissioners.

I return you the copy of the 1918 contract made with the concessionaire.

Yours very truly,
CHARLES D. NEWTON,
Attorney-General.

(Signed) C. T. DAVIS,
Deputy.

CYCLONIC DEVASTATIONS

During the last two years the Reservation has been visited by tempests of wind and storm which assumed cyclonic proportions, with the result that many beautiful trees, but slightly rooted in the scanty earth covering of the rock of Goat Island, were uprooted. Wherever possible, these trees were restored to their original position by the reservation employees, and secured by guys against a recurrence of disaster. Nevertheless many of them were beyond restoration.

RE-FORESTING

The Commissioners steadily are pursuing a course of re-foresting the park and Goat Island, and during the fiscal year there were received from the Conservation Commission and planted on the reservation the following:

Red pine	3000
White pine	2000
Norway spruce	2000

Conifer Planting, East End of Goat Island.

Scotch pine	1400
White cedar	1000
Poplar cuttings	1000

We are gratified to be able to report that practically 97 per cent of these transplants survived transplanting, are thriving and bid fair to replace trees lost by tempest and windfall.

Roads and Paths

The driveways on the reservation were not constructed for automobile traffic. As a natural result they have required much time and labor in the way of re-surfacing and repairs, and we have given to them all the attention which the appropriation at our disposal permits.

Re-organization in the State Government

As you are aware, a citizens committee on re-organization in the State government was created in the spring of last year. It was proposed among other things to eliminate this Commission, and to place the Niagara Reservation under the Conservation Department for budgetary purposes. The following letter from the president of the commission to the secretary of that committee expresses the dissent of the Commission from that plan:

March 13, 1920.

Robert Moses, Esq., *Secretary Citizens' Committee, on Re-organization in the State Government*

My Dear Mr. Moses.— I beg to acknowledge the receipt of your favor of the 9th instant, and more fully to express the reasons of my opposition to any re-organization of the Government of the State which will abolish the State Reservation Commission at Niagara, or place it under the control or supervision of the Conservation Commission, or a similar Department of the State.

Among the reasons which make such a course highly undesirable are:

First. The Reservation is part of the International boundary between the United States and the Dominion of Canada. There is and always should be a cordial cooperation between the Queen Victoria Niagara Falls Park Commissioners on the Canadian side, and our own State Reservation Commission. The Canadian Commission is, and long has been composed of gentlemen of importance in the Do-

minion who give to the management of their park a degree of care and attention which makes it an admirable coordinate body in the preservation of the natural beauties of the great cataract, and its surroundings. To turn our reservation over to the Commission of Conservation ex necessitate would result in the delegation to some subordinate of the supervisory functions now exercised by the members of our Commission, and greatly militate against the preservation and continuance of the existing cordial relations between the members of the two Commissions.

Second. The delegation of the functions of the existing Commission to one or more subordinates of the Conservation Department inevitably would result in the deterioration of the care and solicitude with which the beauties of the place now are guarded. Eliminating myself, the members of the Commission always have been citizens of great distinction. Among them have been Andrew H. Green, William B. Dorsheimer, Martin P. Anderson, Sherman S. Rogers, John M. Bowers, George Raines, Alexander J. Porter, Charles M. Dow, William B. Howland, Thomas W. Meachem, the present Commissioners (excluding myself are gentlemen of the highest distinction — Paul A. Schoellkopf, the owner of the largest hydraulic electric plant in this country, Ansley Wilcox, an eminent lawyer, of Buffalo, counsel for the original Reservation Commission, Robert W. DeForest, President of the Metropolitan Museum of Art, Robert H. Gittins, a former Senator and Congressman from Niagara Falls. All represent the best in American citizenship, personal character, ideals, love of nature, unimpeachable integrity; all are animated by an earnest desire for the preservation of the beauties of Niagara. It hardly can be necessary to say that no Commissioner of the Reservation had he as many heads of Cerberus, as many eyes as Argus, could or would give to the Reservation the loving care and untiring attention bestowed upon it by the present Commission, or their predecessors. Undoubtedly the same policy will be continued by their successors.

There never has been, and probably never will be a Commissioner who annually has not, does not and will not expend considerable sums of money from his private purse in the discharge of the multifarious duties devolving upon him.

The State cannot procure the services of such men for money, and it would be calamitous folly to dispense with them.

Bronze Tablet at Goat Island Bridge Entrance.

While I agree there should be re-organization in the State Government, such re-organization should be conservative, sensible and beneficial, not hysteric, sentimental and destructive.

Very truly yours,

A. T. CLEARWATER,

President of the Commission.

Distinguished and Royal Visitors

The cataract of Niagara continues to be, as since the discovery of America and the visit of Father Hennepin it has been, the one great natural wonder of the western hemisphere, which every foreign visitor wishes to see.

Visit of the King and Queen of the Belgians

On the 6th day of October, 1919, the King and Queen of the Belgians visited it. The Department of State furnishes the Commission with the following memorandum of the persons accompanying them:

His Royal Highness, Prince Leopold, Duke of Brabant.

His Excellency, the Belgian Ambassador, Baron de Cartier de Marchienne.

The Countess Chislaine de Caraman-Chimay, Lady in Waiting to Her Majesty.

Lieutenant-General Baron Jacques, Commander of the Third Division of the Army.

Colonel Tilkens of the General Staff, Aide de Camp to His Majesty.

Major of Artillery, Count Guy d'oultremont, Adjutant of the Court.

Mr. Max Leo Gerard, Secretary to His Majesty.

Mr. Charles Graux, Secretary to Her Majesty.

Lieutenant of Cavalry Goffinet, Officer of Ordnance to His Majesty.

Lieutenant-Colonel Nolf, Physician to Their Majesties.

Mr. Pol Le Tellier, Secretary of the Belgian Embassy.

They were met at the State Reservation by Commissioners Schoellkopf, Wilcox, Gittins and the President of the Commission, Mr. Clearwater, and were escorted through the reservation,

visiting the Cave of the Winds and taking the boat ride on the Maid of the Mist. The statement of the Belgian Queen to the President of the Commission that Niagara presented the most enthralling spectacle she ever had witnessed, best describes the sensation of the Royal visitors.

The Commission believing that by common consent of the civilized world, the King of the Belgians was one of the most heroic figures of the great world war, thought they should commemorate his visit, and that of his Queen, by the erection of a suitable tablet, not because he was a reigning Monarch, but because of all the monarchs of modern times, he had displayed some of the loftiest, most noble, most chivalric, most heroic qualities, and that in erecting such a tablet the Commission would commemorate one of the most important visits in the history of the reservation, and therefore they erected a bronze tablet, a photograph of which is submitted with this report.

Cardinal Mercier

Another heroic figure in the world war was Cardinal Mercier, who visited the cataract in October, 1919. The Cardinal specially desired to be shown the place from which Father Hennepin in company with his Indian guides, first saw the falls. He was taken to that point, and from it long and silently viewed the cataract. Unfortunately he came unheralded to Niagara, and profoundly to the regret of the Commission, not being apprised of his coming, they were not afforded the opportunity officially of meeting him. He was, however, greeted and courteously received by Commissioner Schoellkopf, Superintendent Waldenberger and Secretary Atwood, to whom he expressed his profound appreciation of the courtesy shown him while here.

The Prince of Wales

Learning from the cable dispatches that the Prince of Wales wished to visit Niagara, the President of the Commission through the Duke of Devonshire, the Governor-General of Canada, extended to the Prince an invitation to do so as the guest of the Commission, and accordingly attended by a large suite the

Prince reached Niagara Falls, Canada, on the evening of October 18, 1919, with the intention of visiting the State Reservation on the following morning. On the morning of the 19th Admiral Sir Lionel Halsey and Major General Sir Henry Burstall, personal aides to the Prince, informed the Commission that advices from London stated that the President of the United States was too ill to receive the Prince at the White House, that it was thought in London that it would be indecorous for the prince to cross the International boundary without immediately proceeding to Washington to pay his respects to the President, and therefore they invited the members of the Commission to be the guests of the prince and his suite on the Canadian side of the river. The invitation was accepted, and the Commissioners were most hospitably entertained by the Prince, his suite, and the Queen Victoria Niagara Falls Park Commissioners, with them visiting all the important points upon the northern bank of the river.

In Conclusion.

The Commission begs to press upon the attention of the Legislature the importance of the proper care and maintenance of the reservation, embracing as it does the greatest cataract readily accessible to the world.

Always it has been and now is the ambition of the Commission to conduct the trust committed to it with all the economy consistent with the magnitude and unsurpassable grandeur of the situation.

In order properly to maintain the reservation, and adequately to support the dignity of the State, it is imperatively essential that the Legislature provide the Commission with the means necessary to the attainment of that end.

All of which is respectfully submitted.

ALPHONSO T. CLEARWATER,
PAUL A. SCHOELLKOPF,
ANSLEY WILCOX,
ROBERT W. DeFOREST,
ROBERT H. GITTINS,
Commissioners.

STATE OF NEW YORK — IN SENATE

February 10, 1920.

Introduced by Mr. G. F. Thompson — read twice and ordered printed, and when printed to be committed to the Committee on Finance.

AN ACT to enlarge the state reservation at Niagara, and to establish the New York state memorial riverways and reserves, extending along the Niagara river from Lake Erie to Lake Ontario, with suitable structures thereon, and to create thereby a permanent and fitting memorial of the patriotism and devotion and the great achievements of the soldiers and sailors from this state and the nation, who served in the army and navy of the United States during the world war; also making an appropriation therefor, and providing a charge upon the use of water power developed at Niagara Falls, for the purpose of paying in part or in whole the expenses thereof.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Purpose. It is the solemn purpose of the state of New York to preserve forever in sacred memory the patriotism and devotion and the great achievements of the soldiers and sailors from this state and the nation who served in the army and navy of the United States during the world war for freedom in the years nineteen hundred and seventeen and nineteen hundred and eighteen; and as a permanent and fitting memorial thereof to enlarge the state reservation at Niagara, and to create and add to said reservation a system of memorial riverways and reserves, extending along the Niagara river from Lake Erie to Lake Ontario, and connecting Fort Porter with Fort Niagara, consisting of parks and public places reserved because of their beauty and commanding position, for the free use of the public, connected by north and south memorial riverways and with suitable structures thereon, all of which shall constitute such memorial.

§ 2. Name. The extensions of the state reservation at Niagara herein provided for shall be known as the "New York State Memorial Riverways and Reserves;" the road leading northerly to Fort Niagara being known as "North Memorial Riverway,"

and the road leading southerly to the Buffalo city line and towards Fort Porter and Lake Erie being known as "South Memorial Riverway." All of the additions to said reservation acquired under the authority of this act shall be deemed a part of the state reservation at Niagara, and subject to the control and jurisdiction of the commissioners of the state reservation at Niagara and to all the provisions of article nine of the public lands law, relating to the state reservation at Niagara, except as specially provided in this act.

§ 3. General powers; experts; legal advice. To carry out the said purpose, the commissioners of the state reservation at Niagara are authorized and directed to make plans and to procure surveys and to take other necessary steps to extend the state reservation at Niagara, now located in the city of Niagara Falls at an immediately above and below the great cataract in the Niagara river, from its present limits southwardly to the city line of the city of Buffalo, near the shore of Lake Erie, except lands in the cities of Tonawanda and North Tonawanda, and northwardly to the land occupied by Fort Niagara at the mouth of Niagara river and on the shore of Lake Ontario. The said commissioners are authorized to employ expert assistants in making such plans. The state engineer is directed to co-operate in making surveys and maps and furnishing information, and to charge the expense thereof to the funds provided by this act; and the attorney-general is directed to furnish necessary legal advice and assistance, and for this purpose he is authorized to appoint a special deputy attorney-general, and to fix his salary or compensation to be paid out of the funds herein provided, not exceeding the sum of five thousand dollars a year; and the state commissioner of highways is also directed to co-operate in carrying out the provisions of this act.

§ 4. Roads included in extension. In so extending the said reservation, the said commissioners may take over in whole or in part, the present river roads extending from end to end of the Niagara river and in general close to the bank thereof, but they shall have power to widen the said roads and to change the location thereof or to provide an additional road or roads, nearer to the river bank, where necessary or desirable, and for this purpose they may seek and obtain the co-operation of the cities of Niagara

Falls, Buffalo, Tonawanda and North Tonawanda, within the limits of those cities, and of the villages through which said roads pass. The present roads so included, except within said cities, shall become part of the state reservation at Niagara and shall be designated as state highways and shall be constructed and maintained as other state highways are constructed and maintained; but the said commissioners shall have authority to protect and beautify the said roads, and to preserve the same in all parts as beautiful parkways or riverways.

§ 5. Acquisition and improvement of parks and reserves. The said commissioners may also acquire tracts of land, of greater or less extent, of natural beauty and commanding position, lying between the said main river roads and the bank of Niagara river, or adjacent to said river roads on either side, to be used as public parks and reserves, to be planted with trees and shrubs where this is necessary and restored to a state of natural beauty, with interior roads furnishing access to the bank of the river and to view points over the waters of the river. They shall select for this purpose suitable tracts of reasonable size, where the land can be acquired without cost or on reasonable terms. The interior roads through such reserves shall be built, maintained and controlled entirely by the commissioners of the state reservation at Niagara.

§ 6. Manner of acquisition of land. The said commissioners shall have the right and power from time to time to acquire land for all such purposes, and also for widening, changing and improving the said main roads where this is necessary or desirable, either by gift or grant from any person, or by contracts of sale followed by conveyances, or by leases in perpetuity or for a term of years, or by licenses. They may also acquire by condemnation pursuant to the condemnation law any such land not devoted to railroad or power uses, and not held or intended for such uses. If the commissioners shall condemn any land, the proceedings shall not be binding until the price is so fixed, but the commissioners shall have discretion to take or reject the land after condemnation proceedings are concluded. All titles to such land, and all leases and licenses shall be taken in the name of the state of New York.

§ 7. Appropriation. It is the purpose of the state to expend in carrying out the provisions of this act moneys from the general fund of the treasury not exceeding five hundred thousand dollars; and the sum of fifty thousand dollars ($50,000) is hereby appropriated for such purposes.

§ 8. Charge on water power. To provide funds for the purposes of this act, in addition to the moneys hereinbefore authorized and appropriated, and for the improvement, maintenance and upkeep of the state reservation at Niagara, as so enlarged, and for further possible additions thereto and memorial structures thereon, a charge or rental is hereby imposed upon the right of the Niagara Falls Power Company, its successors or assigns, or any other person or corporation, to divert waters from the Niagara river in excess of fifteen thousand one hundred cubic feet per second for the purpose of power development, and also on all additional power acquired or developed by any person or corporation, as a result of the laws enacted by the legislature in nineteen hundred and eighteen, being chapters five hundred and ninety-six and five hundred and ninety-seven of the laws of that year or after that date as a result of any permit or grant now existing or hereafter made. Such charge or rental is hereby fixed at the rate of fifty cents per horse power per annum for each additional horse power acquired or generated and developed since the passage of said acts, and shall be levied from and after the first day of January, nineteen hundred and twenty.

It shall be the duty of said company or other person or corporation to make a verified report to the state comptroller within sixty days after the thirtieth day of June, nineteen hundred and twenty, and within sixty days after the last day of each December and June thereafter, showing the amount of additional power so generated and developed by it for the semi-annual periods ending on said dates, and to accompany such report with payment of the charge or rental hereby imposed. The state comptroller is hereby authorized to cause such examination to be made in respect to the facts as he may deem necessary to ascertain the accuracy of such reports, and to require, in the event of inaccuracy, a corrected report and payment to be made accordingly.

§ 9. Moneys, how paid over. Moneys received from a water power charge or rental under this act shall be credited by the

comptroller to a separate fund to be designated as the "War Memorial Fund, State Reservation at Niagara," and shall not be paid into the state treasury, but shall be deposited in a bank or trust company, as provided by the state finance law, and together with the interest thereon shall be paid by him to the commissioners of the state reservation at Niagara upon their requisition, signed by the president or vice-president and the treasurer of such commissioners, at such times and in such amounts as they may determine. Money appropriated by this act shall also be paid to such commissioners by the state treasurer on the warrant of the comptroller on the requisition of the commissioners signed by the president or vice-president and the treasurer of such commissioners, at such times and in such amounts as they may determine. The commissioners shall file with the state comptroller vouchers for all expenditures made by them from moneys received under this section.

§ 10. Expenditure of moneys. Moneys appropriated by this act or available from the said "War Memorial Fund, State Reservation at Niagara," may be expended by the commissioners in procuring advice and assistance, in procuring surveys and maps, for legal and other purposes, and for acquiring lands by purchase, condemnation, lease or license, or for any of the purposes specified in this act, and for extending, improving and maintaining the said state reservation and creating the "New York State Memorial Riverways and Reserves," and for building suitable memorial gateways or other structures thereon.

§ 11. Nothing in this act contained shall in any way limit the right or power of the state to impose such other and further charge or rental for any diversion or use of the waters of the Niagara river as the legislature may direct.

Nor shall anything herein contained confer upon the commissioners of the state reservation at Niagara the right to grant any privilege for the diversion of the water of the Niagara river for power purposes or in any way to limit any right conferred by law to divert the waters of such river for any purpose.

§ 12. The term land as used in this act shall be construed to signify and embrace the right to acquire any and all easements in lands.

§ 13. This act shall take effect immediately.

Prospect Park.

TREASURER'S REPORT FOR THE FISCAL YEAR 1919-1920

(July 1, 1919 to June 30th, 1920)

The Commissioners of the State Reservation at Niagara, in account with CLARENCE H. ATWOOD, Treasurer.

1919. Received from the Treasurer of the State of New York.

First half July.—Chapter 177, Laws of 1919, payrolls	$2,096 05
Last half July.—Chapter 177, Laws of 1919, payrolls	2,076 37
First half Aug.—Chapter 177, Laws of 1919, payrolls	1,973 95
Last half Aug.—Chapter 177, Laws of 1919, payrolls	1,878 37
First half Sept.—Chapter 177, Laws of 1919, payrolls	1,859 83
Last half Sept.—Chapter 177, Laws of 1919, payrolls	1,906 00
July.—Accounts	309 53
August.—Accounts	970 10
September.—Accounts	348 79
First half Oct.—Chapter 177, Laws of 1919 payrolls	1,950 33
Last half Oct.—Chapter 177, Laws of 1919, payrolls	1,953 38
First half Nov.—Chapter 177, Laws of 1919, payrolls	1,874 20
Last half Nov.—Chapter 177, Laws of 1919, payrolls	1,870 08
First half Dec.—Chapter 177, Laws of 1919, payrolls	1,858 33
Last half Dec.—Chapter 177, Laws of 1919, payrolls	1,859 33
October.—Accounts	504 43
November.—Accounts	303 70
December.—Accounts	157 63
First half Jan.—Chapter 177, Laws of 1919, payrolls	1,841 96
Last half Jan.—Chapter 177, Laws of 1919, payrolls	1,934 08
First half Feb.—Chapter 177, Laws of 1919, payrolls	1,808 33
Last half Feb.—Chapter 177, Laws of 1919, payrolls	1,721 08
First half March.—Chapter 177, Laws of 1919, payrolls	1,657 08
Last half March.—Chapter 177, Laws of 1919, payrolls	1,727 33
January.—Accounts	474 52
February.—Accounts	273 08
March.—Accounts	241 02
First half April.—Chapter 177, Laws of 1919, payrolls	1,738 95
Last half April.—Chapter 177, Laws of 1919, payrolls	1,811 58
First half May.—Chapter 177, Laws of 1919, payrolls	1,850 52
Last half May.—Chapter 177, Laws of 1919, payrolls	2,051 06
First half June.—Chapter 177, Laws of 1919, payrolls	1,267 83
First half June.—Chapter 177, Laws of 1919, payrolls	866 36
Last half June.—Chapter 177, Laws of 1919, payrolls	1,267 83
Last half June.—Chapter 177, Laws of 1919, payrolls	755 27
April.—Accounts	602 64
May.—Accounts	620 85
June.—Accounts	1,329 58
Total	$51,591 35

EXPENDITURES
Chapter 177, Part 1, Laws of 1919
CLARENCE H. ATWOOD, *Treasurer*

Abstract No. 5

Date 1919	Voucher	Name and Classification	Amount
July 1.	1	Administration, salaries, regular, payroll first half July	$422 83
	1	Division of Police, salaries, regular, payroll first half July	613 50
	1	Prospect Point Elevator, salaries, regular, payroll first half July	251 50
	1	Wages, temporary, temporary employees, payroll first half July	808 22
	2	Administration, salaries, regular, payroll last half July	422 83
	2	Division of police, salaries, regular, payroll last half July	613 50
	2	Prospect Point elevator, salaries, regular, payroll last half July	251 50
	2	Wages, temporary, temporary employees, payroll last half July	788 54
	3	Administration, salaries, regular, payroll first half August	422 83
	3	Division of police, salaries, regular, payroll first half August	613 50
	3	Prospect Point elevator, salaries, regular, payroll first half August	251 50
	3	Wages, temporary, payroll first half August	686 12
	4	Administration, salaries, regular, payroll last half August	422 83
	4	Division of police, salaries, regular, payroll last half August	613 50
	4	Prospect Point elevator, salaries, regular, payroll last half August	251 50
	4	Wages, temporary, temporary employees, payroll last half August	590 54
	5	Administration, salaries, regular, payroll first half September	422 83
	5	Division of police, salaries, regular, payroll first half September	613 50
	5	Prospect Point elevator, salaries, regular, payroll first half September	251 50
	5	Wages, temporary, temporary employees, payroll first half September	572 00
	6	Administration, salaries, regular, payroll last half September	422 83
	6	Division of police, salaries, regular, payroll last half September	613 50
	6	Prospect Point elevator, payroll last half September	251 50
	6	Wages, temporary, payroll last half September	618 17

Abstract No. 6

Date 1919		Voucher	Name and Classification	Amount
July	1.	7	Administration, salaries, regular, payroll first half October	$422 83
		7	Division of police, salaries, regular, payroll first half October	613 50
		7	Prospect Point elevator, salaries, regular, payroll first half October	251 50
		7	Wages, temporary, temporary employees, payroll first half October	662 50
		8	Administration, salaries, regular, payroll last half October	422 83
		8	Division of police, salaries, regular, payroll last half October	613 50
		8	Prospect Point elevator, salaries, regular, payroll last half October	251 50
		8	Wages, temporary, temporary employees, payroll last half October	665 55
		9	Administration, salaries, regular, payroll first half November	422 83
		9	Division of police, salaries, regular, payroll first half November	613 50
		9	Prospect Point elevator, salaries, regular, payroll first half November	251 50
		9	Wages, temporary, temporary employees, payroll first half November	586 37
		10	Administration, salaries, regular, payroll last half November	422 83
		10	Division of police, salaries, regular, payroll last half November	613 50
		10	Prospect Point elevator, salaries, regular, payroll last half November	251 50
		10	Wages, temporary, temporary employees, payroll last half November	582 25
		11	Administration, salaries, regular, payroll, first half December	422 83
		11	Division of police, salaries, regular, payroll first half December	609 50
		11	Prospect Point elevator, salaries, regular, payroll first half December	251 50
		11	Wages, temporary, temporary employees, payroll first half December	574 50
		12	Administration, salaries, regular, payroll first half December	422 83
		12	Division of police, salaries, regular, payroll first half December	609 50
		12	Prospect Point elevator, salaries, regular, payroll first half December	251 50
		12	Wages, temporary, temporary employees, payroll first half December	575 50

Date 1919	Voucher	Abstract No. 7 Name and Classification	Amount
July 1.	13	Administration, salaries, regular, payroll first half January	$422 83
	13	Division of police, salaries, regular, payroll first half January	609 50
	13	Prospect Point elevator, salaries, regular, payroll first half January	251 50
	13	Wages, temporary, temporary employees, payroll first half January	558 13
	14	Administration, salaries, regular, payroll last half January	422 83
	14	Division of police, salaries, regular, payroll last half January	609 50
	14	Prospect Point elevator, salaries, regular, payroll last half January	251 50
	14	Wages, temporary, temporary employees, payroll last half January	650 25
	15	Administration, salaries, regular, payroll first half February	422 83
	15	Division of police, salaries, regular, payroll first half February	584 75
	15	Prospect Point elevator, salaries, regular, payroll first half February	251 50
	15	Wages, temporary, temporary employees, payroll first half February	549 25
	16	Administration, salaries, regular, payroll last half February	422 83
	16	Division of police, salaries, regular, payroll last half February	560 00
	16	Prospect Point elevator, salaries, regular, payroll last half February	251 50
	16	Wages, temporary, temporary employees, payroll last half February	486 75
	17	Administration, salaries, regular, payroll first half March	422 83
	17	Division of police, salaries, regular, payroll first half March	520 00
	17	Prospect Point elevator, salaries, regular, payroll first half March	251 50
	17	Wages, temporary, temporary employees, payroll first half March	462 75
	18	Administration, salaries, regular, payroll last half March	422 83
	18	Division of police, salaries, regular, payroll last half March	520 00
	18	Prospect Point elevator, salaries, regular, payroll last half March	251 50
	18	Wages, temporary, temporary employees, payroll last half March	533 00

In Winter's Icy Grip; Foot of American Fall.

Abstract No. 8

Date 1919	Voucher	Name and Classification	Amount
July	1. 19	Administration, salaries, regular, payroll first half April	$378 83
	19	Division of police, salaries, regular, payroll first half April	560 00
	19	Prospect Point elevator, salaries, regular, payroll first half April	248 00
	19	Wages, temporary, temporary employees, payroll first half April	552 12
	20	Administration, salaries, regular, payroll last half April	378 83
	20	Division of police, salaries, regular, payroll last half April	560 00
	20	Prospect Point elevator, salaries, regular, payroll last half April	248 00
	20	Wages, temporary, temporary employees, payroll last half April	624 75
	21	Administration, salaries, regular, payroll first half May	378 83
	21	Division of police, salaries, regular, payroll first half May	568 17
	21	Prospect Point elevator, salaries, regular, payroll first half May	248 00
	21	Wages, temporary, temporary employees, payroll first half May	655 52
	22	Administration, salaries regular, payroll last half May	378 83
	22	Division of police, salaries, regular, payroll last half May	601 00
	22	Prospect Point elevator, salaries, regular, payroll last half May	248 00
	22	Wages, temporary, temporary employees, payroll last half May	823 23
	23	Administration, salaries, regular, payroll first half June	418 83
	23	Division of police, salaries, regular, payroll first half June	601 00
	23	Prospect Point elevator, salaries, regular, payroll first half June	248 00
	23	Wages, temporary, temporary employees, payroll first half June	866 36
	24	Administration, salaries, regular, payroll last half June	418 83
	24	Division of police, salaries, regular, payroll last half June	601 00
	24	Prospect Point elevator, salaries, regular, payroll last half June	248 00
	24	Wages, temporary, temporary employees, payroll last half June	755 27
		Total	$45,455 48

EXPENDITURES

Chapter 177, Part 1, Laws of 1919

CLARENCE H. ATWOOD, *Secretary-Treasurer*

Date		Voucher	Name and Classification	Amount
			Abstract No. 5	
1919				
Aug.	2.	1	Niagara Searchlight Co., equipment, supplies and materials	$7 70
		2	Standard Oil Co. of N. Y., Atlas Works, supplies and materials	12 25
		3	John B. Trombly, A. & W., supplies and materials	29 45
Sept.	9.	1	Allen Milling Company, supplies and materials	58 90
		2	S. O. Barnum & Son Co., supplies and materials	46 30
		3	Edward V. Brophy, A. & W., supplies and materials	17 05
		4	Elderfield-Hartshorn Hdw. Co., supplies and materials	50 15
		5	General Carbonic Co., supplies and materials	3 00
		6	General Carbonic Co., supplies and materials	26 00
		7	M. E. Harris, supplies and materials	5 50
		8	Otis Elevator Co., supplies and materials	2 65
		9	J. B. Lyon Company, supplies and materials	7 25
		10	J. B. Lyon Company, supplies and materials	13 50
		11	J. B. Lyon Company, supplies and materials	7 50
		12	Niagara Searchlight Co., supplies and materials	4 20
		13	C. D. Reese Co., Inc., supplies and materials	3 65
		14	E. R. Waldenberger, supplies and materials	3 65
		20	J. B. Lyon Company, supplies and materials	180 00
Oct.	3.	1	Allen Milling Company, supplies	59 30
		2	M. B. Butler Inc., supplies	6 00
		3	Dan H. Clark, supplies	3 50
		4	Elderfield-Hartshorn Hdw. Co., supplies	27 55
		5	Eureka Fire Hose Mfg. Co., supplies	112 50
		6	Peter Henderson & Co., supplies	25 00
		7	E. S. Jennings, A. & W., supplies	17 50
		8	J. B. Lyon Company, supplies	12 00
		9	Otis Elevator Company, supplies	18 00
		10	E. R. Waldenberger, supplies	1 00
			Abstract No. 6	
Nov.	6.	1	Adams & White Company, supplies	12 00
		2	Adams & White Company, supplies	3 01
		3	Allen Milling Company, supplies	55 10
		4	A. P. W. Paper Co., supplies	59 30
		5	S. O. Barnum & Son Co., supplies	25 56
		6	Gilbert Beaton, supplies	64 30
		7	Elderfield-Hartshorn Hdw. Co., supplies	17 18
		8	General Carbonic Company, supplies	3 00
		9	J. B. Lyon Company, supplies	15 49
		10	Macbeth-Evans Glass Company, supplies	53 43
		12	Niagara Searchlight Co., supplies	4 20
		13	Otis Elevator Company, supplies	30 00

Abstract No. 6 — *continued*

Date 1919	Voucher	Name and Classification	Amount
Nov. 6.	14	Wm. W. Ralyea & Son, supplies	$15 00
	15	C. D. Reese Co., Inc., supplies	12 30
	16	Robertson-Cataract Electric Company, supplies	67 50
Dec. 10.	1	Allen Milling Company, supplies	54 40
	2	American Watchmans Time Detector Co., supplies	15 00
	3	Beals McCarthy & Rogers, supplies	13 68
	4	Elderfield-Hartshorn Hdw. Co., supplies	102 28
	5	J. B. Lyon Company, supplies	17 50
	6	Progressive Art Store, supplies	5 40
Jan. 13.	1	Adams & White Company, supplies	33 50
	2	Adams & White Company, supplies	1 90
	3	Beir Brothers, supplies	8 00
	4	Elderfield-Hartshorn Hdw. Co., supplies	34 88
	5	Hayes & Scott, supplies	9 75
	6	Niagara Searchlight Co., supplies	3 60
	7	Roberts Bros. Co., supplies	5 00
	8	E. R. Waldenberger, supplies	7 20
	9	Weed & Company, supplies	22 15

Abstract No. 7

Feb. 9.	1	Gilbert Beaton, supplies	19 85
	2	Gilbert Beaton, supplies	18 75
	3	Gilbert Beaton, supplies	15 00
	4	Elderfield-Hartshorn Hdw. Co., supplies	27 11
	5	James P. Hewitt, Jr., supplies	119 85
	6	Otis Elevator Company, supplies	30 00
March 24.	1	Allen Milling Company, supplies	60 45
	2	Allen Milling Company, supplies	4 00
	3	Adams & White Company, supplies	19 55
	4	George S. Cowper Inc., supplies	1 50
	5	George S. Cowper Inc., supplies	1 80
	6	Elderfield-Hartshorn Hdw. Co., supplies	44 40
	7	Elderfield-Hartshorn Hdw. Co., supplies	9 53
	8	J. B. Lyon Company, supplies	11 26
	9	Niagara Searchlight Co., supplies	4 20
	10	Robertson-Cataract Electric Company, supplies	67 50
April 12.	2	Adams & White Company, supplies	5 63
	3	Gilbert Beaton, supplies	23 00
	4	General Carbonic Company, supplies	20 66
	5	General Electric Company, supplies	11 63
	6	Haeberle Lumber Company, supplies	5 67
	7	J. B. Lyon Company, supplies	60 00
	8	The Niagara Falls Power Company, supplies	15 13
	9	Otis Elevator Company, supplies	10 00
	10	Otis Elevator Company, supplies	5 30
	11	Otis Elevator Company, supplies	10 00
	12	The Philadelphia Lawn Mower Co., supplies	16 50
	13	The Union Metal Mfg. Co., supplies	3 05

Abstract No. 8

Date 1919		Voucher	Name and Classification	Amount
May	12.	1	A. P. W. Paper Co., supplies	$142 00
		2	Allen Milling Company, supplies	67 30
		3	Elderfield-Hartshorn Hdw. Co., supplies	59 09
		4	The Goodyear Tire & Rubber Co., supplies	127 82
		5	Joseph Grauer, supplies	37 50
		6	Peter Henderson & Co., supplies	42 00
		7	E. S. Jennings, A. & W., supplies	33 50
		8	Otis Elevator Company, supplies	10 00
		9	Robertson-Cataract Electric Company, supplies	36 00
June	5.	1	Allen Milling Company, supplies	73 10
		2	Gilbert Beaton, supplies	20 00
		3	The Billings Chapin Co., supplies	102 50
		4	Ederfield-Hartshorn Hdw. Co., supplies	61 08
		5	Empire Builders Supply Co., Inc., supplies	4 57
		6	Harry M. Kaiser, A. & W., supplies	75 00
		7	Lewis F. Lawes, A. & W., supplies	2 00
		8	The Niagara Falls Power Company, supplies	12 99
		9	Otis Elevator Company, supplies	10 00
		10	Paterson-Thompson Co., supplies	3 00
		11	Spray Engineering Company, supplies	200 00
		12	Standard Oil Co. of New York, supplies	28 50
Aug.	5.	1	Allen Milling Company, supplies	99 80
		2	Gilbert Beaton, supplies	58 50
		3	M. B. Butler Inc., supplies	11 02
		4	Elderfield-Hartshorn Hdw. Co., supplies	60 46
		5	Elderfield-Hartshorn Hdw. Co., supplies	7 33
		6	John Lucas & Co. Inc., supplies	9 50
		7	J. B. Lyon Company, supplies	25 29
		8	J. B. Lyon Company, supplies	4 00
		9	J. B. Lyon Company, supplies	4 00
		10	B. L. Moone, supplies	1 00
		11	H. H. Nichols Mfg. Co., supplies	5 00
		12	Niagara Searchlight Co., supplies	4 20
		13	Otis Elevator Company, supplies	10 00
		14	John Pochelle, supplies	4 00
		15	Robertson-Cataract Electric Company, supplies	40 50
Sept.	16.	1	Otis Elevator Company, supplies	10 00
			Total	$3,676 53

EXPENDITURES

Chapter 177, Part 1, Laws of 1919

Abstract No. 5

Aug.	2.	4	Tracy G. Levee, traveling expenses	$2 40
Sept.	9.	15	Tracy G. Levee, traveling expenses	2 30
Oct.	3.	11	Tracy G. Levee, traveling expenses	2 30

Abstract No. 6

Oct.	17.	7	Tracy G. Levee, traveling expenses	2 60
Nov.	5.	8	E. R. Waldenberger, traveling expenses	4 73
Dec.	10.	10	E. R. Waldenberger, traveling expenses	26 69

Prospect Point; the Visitor's First View of the Cataract.

Date 1920	Voucher	Name and Classification	Amount
		Abstract No. 7	
Feb. 9.	7	A. T. Clearwater, traveling expenses.....	$95 95
	8	E. R. Waldenberger, traveling expenses.....	2 30
	9	E. R. Waldenberger, traveling expenses.....	2 30
March 24.	11	Tracy G. Levee, traveling expenses.....	1 30
		Abstract No. 8	
May 11.	11	E. R. Waldenberger, traveling expenses.....	26 72
June 13.	13	Tracy G. Levee, traveling expenses.....	1 30
Aug. 5.	16	A. T. Clearwater, traveling expenses.....	55 58
		Total	$230 47

EXPENDITURES

Chapter 177, Part 1, Laws of 1919

1919			
		Abstract No. 5	
Aug. 2.	5	Clarence H. Atwood, communication.....	$2 33
	6	New York Telephone Co., communication.....	8 00
	7	E. R. Waldenberger, communication.....	19 81
	8	Western Union Telegraph Co., communication..	3 75
Sept. 9.	16	New York Telephone Co., communication.....	6 05
	17	E. R. Waldenberger, communication.....	10 38
	18	Western Union Telegraph Co., communication..	2 31
	19	William Young, communication.....	6 03
Oct. 3.	12	New York Telephone Co., communication.....	7 55
	13	E. R. Waldenberger, communication.....	6 95
	14	Western Union Telegraph Co., communication..	1 37
	15	William Young, communication.....	23 52
		Abstract No. 6	
Nov. 6.	17	New York Telephone Co., communication.....	6 60
	18	Western Union Telegraph Co., communication..	3 75
	19	William Young, communication	10 72
Dec. 10.	9	New York Telephone Co., communication.....	14 35
	10	New York Telephone Co., communication.....	8 20
	11	E. R. Waldenberger, communication.....	24 54
	12	Western Union Telegraph Co., communication..	90
	13	William Young, communication	2 46
1920			
Jan. 13.	11	Western Union Telegraph Co., communication..	96

EXPENDITURES

Chapter 177, Part 1, Laws of 1919

		Abstract No. 5	
Feb. 9.	10	New York Telephone Co., communication.....	6 30
	11	New York Telephone Co., communication.....	1 75
	12	E. R. Waldenberger, communication.....	1 11
	13	E. R. Waldenberger, communication.....	2 41

Date 1920	Voucher	Abstract No. 5 — *continued* Name and Classification	Amount
Feb. 9.	14	Western Union Telegraph Co., communication..	$1 22
	15	Western Union Telegraph Co., communication..	4 25
March 24.	12	New York Telephone Co., communication.....	6 10
	13	New York Telephone Co., communication.....	6 85
	14	E. R. Waldenberger, communication.....	11 69
	15	William Young, communication	42 45
	16	E. R. Waldenberger, communication.....	12 00
		Abstract No. 8	
April 12.	12	New York Telephone Co., communication.....	6 25
	13	New York Telephone Co., communication.....	6 15
	14	Western Union Telegraph Co., communication..	4 50
	15	William Young, communication	3 81
May	14	New York Telephone Co., communication.....	5 95
	15	E. R. Waldenberger, communication.....	12 48
	16	Western Union Telegraph Co., communication..	4 18
	17	William Young, communication	4 20
June	17	Western Union Telegraph Co., communication..	53
	18	William Young, communication	5 79
	19	William Young, communication	15 18
		Total	$335 68

EXPENDITURES

Chapter 177, Part 3, Laws of 1919

1919		Abstract No. 5	
Aug. 2.	1	Empire Builders' Supply Co., Inc., repairs....	$10 50
	2	Empire Builders' Supply Co., Inc., repairs....	16 50
	3	Otis Elevator Company, repairs.....	52 92
	4	McGarigle Machine Co., repairs.....	130 67
Sept. 9.	1	The Barrett Company, repairs.....	43 10
	2	The Barrett Company, repairs.....	91 20
	3	Frank Butler & Sons, repairs.....	17 25
	4	Frank Butler & Sons, repairs.....	238 53
	5	Empire Builders' Supply Co., Inc., repairs....	8 25
	6	Empire Builders' Supply Co., Inc., repairs....	46 00
	7	L. M. Snyder, repairs.....	26 40
	8	E. R. Waldenberger, repairs.....	13 00
Oct. 3.	1	Empire Builders' Supply Co., Inc., repairs....	24 75
		Abstract No. 6	
Nov. 6.	1	L. M. Snyder, repairs.....	18 10
	2	The Texas Company, repairs.....	27 89
Dec. 10.	1	Empire Builders' Supply Co., Inc., repairs....	36 51
	2	B. L. Moone, repairs.....	1 15
1920			
Jan. 13.	1	M. E. Harris, repairs.....	4 00
		Abstract No. 7	
Feb. 9.	1	George Landis, repairs	4 65
	2	George Landis, repairs	36 00
	3	Otis Elevator Company, repairs.....	81 72

Abstract No. 7 — *continued*

Date 1920	Voucher	Name and Classification	Amount
March 24.	1	Max H. Elbe, repairs	$2 50
	2	Empire Builders' Supply Co., Inc., repairs	8 25
	3	Henry Chormann, repairs	5 10
	4	Henry Chormann, repairs	7 10
		Abstract No. 8	
Aug. 5.	1	Henry Chormann, repairs	9 00
	2	Excide Battery Service, repairs	7 00
	3	The Glidden Company, repairs	141 16
	4	Headley Good Roads Co., repairs	66 64
	5	George Landis, repairs	33 50
	6	Niagara Falls Power Co., repairs	9 50
	7	Reed Coddington Co., repairs	180 00
	8	The Safety Insulated Wire & Cable Co., repairs.	287 09
	9	The Safety Insulated Wire & Cable Co., repairs.	48 26
	10	Standard Oil Co. of N. Y. Star Oil Works, repairs.	31 00
	11	L. M. Snyder, repairs	22 10
	12	Clarence Walter, repairs	14 15
	13	Dan. H. Clark, repairs	48 50
		Total	$1,849 94

EXPENDITURES

Chapter 177, Part 1, Laws of 1919

1919		Abstract No. 1	
Aug. 2.	1	Otis Elevator Company, supplies	$30 00

EXPENDITURES

Chapter 177, Part 1, Laws of 1919

Abstract No. 1

Aug. 2.	9	J. B. Lyon Company, printing departmental reports	$13 25

RECAPITULATION

EXPENDITURES

Payrolls	$45,455 48
Equipment, supplies and materials	3,676 53
Traveling expenses	230 47
Communication	335 68
Repairs	1,849 94
Supplies	30 00
Printing departmental reports	13 25
Total	$51,591 35
Payment from the State Comptroller	$51,591 35

THE COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA

CLARENCE H. ATWOOD, *Secretary Treasurer*

Record of receipts for the fiscal year 1919–1920 from the Concessionaires:

Prospect Point elevator	$19,092 85
International railway	1,200 00
Reservation carriage service	100 00
Maid of the Mist	600 00
Cave of the Winds	15,598 87
Sales wood	510 00
	$37,101 72

Record of transfer of above receipts to the Treasurer of the State of New York:

Aug. 4, 1919	$4,136 70
Sept. 2, 1919	4,907 95
Oct. 3, 1919	17,559 02
Nov. 3, 1919	961 40
Dec. 3, 1919	486 45
Jan. 3, 1920	508 05
Feb. 3, 1920	750 30
March 2, 1920	2,357 40
April 5, 1920	666 50
May 3, 1920	780 45
June 2, 1920	1,642 50
July 1, 1920	2,345 00
	$37,101 72

STATE OF NEW YORK,
COUNTY OF NIAGARA, } *ss.*

Clarence H. Atwood, being duly sworn, deposes and says, that he is the secretary-treasurer of the Commissioners of the State Reservation at Niagara, and that the above report, made by him as such secretary-treasurer, for the fiscal year 1919–1920, is correct and true to the best of his knowledge.

CLARENCE H. ATWOOD,
Secretary-Treasurer.

Sworn to before me, this 30th
day of November, 1920.
JAMES C. MORTELL,
Notary Public.

Goat Island Near Horseshoe Fall.

CERTIFICATE

We the undersigned, Commissioners of the State Reservation at Niagara, hereby audit the foregoing accounts, at the several amounts named.

A. T. CLEARWATER,
President.

PAUL A. SCHOELLKOPF,
ANSLEY WILCOX,
ROBERT W. DEFOREST,
ROBERT H. GITTINS,
Commissioners.

ANNUAL REPORT OF SUPERINTENDENT

To the Commissioners of the State Reservation at Niagara:

GENTLEMEN.— Your Superintendent has the honor, to submit herewith, the following report, covering the principal work and events occurring on the Reservation during the fiscal year ending June 30, 1920:

The number of people visiting the Reservation during the season of 1919–20 eclipsed all previous attendance records. In all probability, this remarkable increase over preceding years was due in a great measure to the reaction following the World War, during which period of economy and self-sacrifice, the public in general had little time and less inclination for travel and sightseeing. Again, following the signing of the Armistice, the chaotic conditions prevailing in Europe and the lack of steamship facilities rendered travel to Europe very difficult, if not prohibitive, with the result that the American traveling public, turned to the scenic beauties which America has to offer. It was, therefore, to be expected that during the year just past over 2,000,000 visitors were attracted by the incomparable beauty of Niagara.

This increase in the number of visitors was duly reflected in the amount of receipts taken in by the Prospect Point elevator, and by the various concessions, the total of which exceeded the totals of previous years.

MAINTENANCE

The greater part of the energies of the Reservation employees was expended in the maintenance and care of the grounds, buildings, bridges, roads and paths. The maintenance work was perhaps greater than in other seasons, because of the larger crowds, and also because of the unusually dry summer and the very severe winter, with its heavy snow falls. The dry weather necessitated continual lawn sprinkling and a large amount of reseeding of tramped-out areas. Notably among the areas requiring treatment were the stretch along the rapids drive, between the entrance to Goat Island bridge and Prospect Point; the area surrounding the administration building, and several areas along the riverway.

Rapids Above Goat Island Bridge.

These areas were reseeded, graded, edged and enclosed by a suitable temporary fencing, so as to insure the new seeding a fair start. Numerous smaller areas in Prospect Park were also reseeded, but not fenced. The paths at Prospect Point were widened to care for the increased traffic. The field on Goat Island, formerly the site of the old barn, was cleaned of stone, plowed, harrowed, graded and seeded, and serves now as a much-needed addition to our available picnic areas. The filling on Willow Island was completed during the summer, but first certain material, containing among other chemicals, sulphur, which not only caused an unpleasant odor, but was decidedly detrimental to the growth of the willows along the bank, had to be removed and replaced with good soil. Many loads of stone, obtained from the old barn site, and when breaking ground for a new nursery, were placed along the edge of the bank at Willow Island, to prevent washing away of the soil. Time has been allowed the filling for settling and we are now ready to slope down the newly-made bank toward the water's edge, so as to conform with the adjacent low banks along the mainland. Large limestone boulders have been hauled to Willow Island for rip-rapping after the bank has been graded down.

Planting and Tree Work

Very little trimming and pruning was done during the summer and consisted mostly of under-trimming along the riverway in the vicinity of the Loop section, and the removal of dangerous and broken limbs in the park areas. After the middle of September a small pruning gang was organized and fair progress was made in pruning on the mainland and on Goat Island. The fast-growing poplars on the bank near Dow View were headed back to afford an unobstructed view. Shrubs at the intersection of roads, which tended to hide the road at the turn, were trimmed back severely as a safety precaution, and all shrubs in the park and islands received a general cleaning out and pruning. From time to time dead trees were removed and as time permitted, loads of brush and fallen trees, debris, etc., was cleared from the forest on Goat Island. As in the past, all fallen or felled wood, was cut up by means of our power saw, and sold to the public for fuel. In early August trees were sprayed with lead arsenate solution,

the black walnut receiving special attention because of the ravages of the walnut tree caterpillar. The young walnut trees along the curbing in front of the administration building, were all removed and planted in suitable places in the park and on Goat Island. During the year the following transplants were received from the Conservation Commission: Two thousand white pine, 1,400 Scotch pine, 3,000 red pine, 2,000 Norway spruce, 1,000 white cedar and 1,000 poplar cuttings. The three kinds of pine were used to reforest natural openings made in the Goat Island forest by wind-falls and removal of dead trees. The openings selected were, however, first prepared for planting by removing the brush and ground cover and exposing the mineral soil. The cedars were planted on the steep banks on the northwest side of Goat Island and along the river side of the Luna Trail. The spruce, which was rather small, was placed in the newly-established nursery for further development. The poplar cuttings were utilized on the steep bank near Prospect Point to help in holding the thin layer of soil.

Roads and Paths

The Reservation roads which were subjected to a traffic of from three to four thousand automobiles per day during the height of the season and which had been neglected during recent years, required constant attention in the way of repairs. In the spring the stretch of road between the entrance to Goat Island and the Cave of the Winds building, which was in the worst condition of any of our roads, was spiked up, resurfaced with crushed stone and screenings, graded and rolled. After this resurfacing and the patching and repairing on the other Reservation roads, all the roads on Goat Island and on riverway received an application of road oil at the rate of one-fourth gallon of oil per square yard.

The paths on the Reservation were kept in good condition throughout the year, but required a large amount of maintenance work, since they are all cinder paths, which after each heavy rain must needs be regraded and rolled. In this connection I would recommend the oiling of all of our paths which would effectively eliminate both the dust annoyance and the expensive maintenance work as now obtains.

View Down Gorge From Terrapin Point.

New Construction and Minor Repairs

On April 5th, the Commissioners entered into an agreement, with Mr. H. O. Wright, lessee of the Cave of the Winds, whereby the latter was to construct a dry house and storehouse, to be used in connection with the Cave of the Winds concession, and which was to take the place of the old wooden sheds, then serving this purpose, which wooden sheds, besides being unsightly and a constant fire menace, were proving entirely inadequate to handle the increasing volume of business of the concession. According to the agreement, the lessee was to advance the money for said construction, and upon completion of the buildings the State would reimburse him, by remitting from the payments the lessee is obligated to make to the Commission, an amount equal to the cost of the construction of the buildings. The legality of this agreement was sanctioned by the Attorney-General of the State, whereupon the plans and specifications were inspected and approved by the State Architect, and the buildings were completed in time for the opening of the concession in June, providing a valuable addition to the facilities for handling the ever-increasing number of visitors to the Cave of the Winds.

Needed repairs were made to the plumbing at the Cave of the Winds station, drains in all the reservation drinking fountains were replaced by larger pipes, the water system repaired in many places, by the substitution of new piping, new gutter strains placed on comfort stations, and additional lockers placed in the police room in the basement of the Administration building. A conduit was laid from the patrol house at the entrance to Goat Island to comfort station No. 1 in order to install electric lighting in the latter. A burned-out transformer at the Prospect Point elevator necessitated the installation of a new one. In order to relieve the congestion at the elevator station, a change was made in the arrangement of the iron railings at the turnstiles whereby the waiting area was enlarged and exit turnstiles were brought directly opposite the entrance turnstiles.

The old wooden patrol house on the bank overlooking Terrapin Point, which building was rather unsightly and obstructed a fine view of the Horse Shoe Falls at this point was removed to a less conspicuous place and well hidden from general view by suitable planting.

During the night of March 20th to 21st, as a result of falling masses of ice, the base of the center post of the Biddle stairs was snapped off and the lower portion of the stairway and the sides of the tower at this point completely demolished, necessitating extensive repairs, since most of the iron braces, holding the tower to the side of the cliff were either badly twisted or entirely torn away. The commissioners subsequently classified the above repairs as extraordinary, and hence they were paid for by the State. The year previous the State was also compelled to expend a considerable sum in repairing and strengthening these same Biddle stairs, and it is very evident, considering the age, ninety years, of the structure and the heavy travel it is subjected to during the summer and fall months that the State will be called upon to pay out larger and larger sums every year to insure, even to a small degree, the safety of visitors against possible accidents.

On March 23d the Niagara Falls Power Company removed with the aid of dynamite every trace of one of their wooden barges, which had two years previously broken from its moorings and had been swept down over the rapids to a point quite close to the Goat Island bridge. Needless to note that its removal greatly enhances the beauty of the rapids as viewed from the bridge.

At a point between Hennepin View and Prospect Point a portion of the bank was badly eroded and washed away, and therefore a retaining wall of stone and cement was built across the foot of the bank and the depression above it filled in with soil, seeded and planted to poplar cuttings. This preserves the original contour of the bank, and it is hoped will prevent further erosion. The eastern portion of Luna Island was treated somewhat similarly, a stone and cement wall, with a rip-rap of large natural lime-stone boulders, being constructed here, to withstand the action of ice and water, which action had caused the undermining of a large section of the island at this point. An iron railing along this side of the island was removed since with the completion of the above construction it no longer served any useful purpose.

A small change was made to the Terrapin Trail, a part of which was rebuilt a distance inland from its original location, since every high water flooded it at this point and made it impassable.

Terrapin Point, Horseshoe Fall.

Owing to the demand for skating facilities last winter, and realizing the futility of providing continuous good skating at the Loop Pond on account of the frequent changes in the water level with each wind, the greater part of the upper rapids reserve was flooded in early January and provided skating up to the warm weather in March.

During the early spring all the iron railings, lamp-posts, flag-poles and iron bridge work received a coat of paint and the outside wood-work of all the reservation buildings was varnished.

Before the beginning of the summer travel, all the bridges on the reservation were inspected by the State Engineer's Department.

Over 3,000 loads of soil were hauled to the gravel pit, Goat Island, by city contractors, and the pit is now in a fair way of being completely filled in before another year.

Miscellaneous.

With deep regret, which is shared by all connected with the Reservation, I have to report the death of Edward W. Dolan, for the past four years Assistant Electrical Engineer, State Reservation, who succumbed March 28th of a disease contracted while with the Government forces during the World War.

During the year the reservation police made twenty-one arrests, of which two received suspended sentences, one was discharged and the remainder convicted. The fines aggregated $281.

Indications in the spring of 1920 pointed to another heavy summer travel and for this reason a new schedule for the police force was put into effect by means of which the handling of visitors and traffic was greatly facilitated. In accordance with the new schedule the police stay on duty continuously for eight hours. Formerly the men were allowed one and a half hours off during the middle of the day, with the result that the reservation was policed by only part of the force during the time of the heaviest traffic, namely between 11 a. m. to 3 p. m. With the new arrangement the maximum force of nine men are on duty during this period. Another change made in order to lessen the Sunday and holiday congestion in Prospect Park and at the same time to provide needed parking space without encroaching on the lawns was the designation of all roads in this area as one-way roads; with

this arrangement Bridge and Falls streets are entrances and exits, while Niagara street and the road leading to the International Bridge, are exits only. With the traffic all one way, the chances for collisions were greatly lessened and vehicles were enabled to park along the exit roads with safety.

During the year Frederick Law Olmsted, the noted landscape artist, made several inspections of the reservation, at the invitation of the commissioners in order to make suggestions and recommendations for the further protection and beautifying of same.

Among the more distinguished visitors, to whom the courtesies of the reservation were extended during the year were the King and Queen of the Belgians, Cardinal Mercier, Maurice Maeterlinck and William H. Taft, former President of the United States.

In concluding this report of the events of the past year it is both a pleasure and a duty to acknowledge the help and cordial cooperation of Mr. James Cassidy, general foreman; Mr. Tracy Levee, police superintendent; Mr. Charles Blood, electrical engineer, together with the employees of their several departments in carrying on the work of the reservation.

Respectfully submitted,

E. R. WALDENBERGER,

Superintendent.

Looking Down Gorge From Terrapin Point.